

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ADVANCED TRANSACTIONS, LLC,

Plaintiff,

v.

DSW SHOE WAREHOUSE, INC.,

Defendant.

Case No. 6:24-cv-00103

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Advanced Transactions, LLC (“Advanced Transactions”) files this Complaint against DSW Shoe Warehouse, Inc. (hereinafter “DSW or “Defendant”) for infringement of United States Patent Nos. 7,065,555; 7,386,594; 7,693,950; 7,979,057; 8,150,736; 8,175,519; 9,747,608; and 10,783,529 (the “patents-in-suit”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Advanced Transactions is a limited liability company organized under laws of the State of Georgia with its principal place of business situated at the Day Building, Suite 230, 4725 Peachtree Corners Circle, Peachtree Corners, GA 30092.

3. On information and belief, defendant DSW is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 810 DSW Drive, Columbus, Ohio 43219.

4. On information and belief, DSW may be served with process through its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808 or anywhere it may be found.

5. DSW has been authorized to do business in the State of Texas and the Western District of Texas since on or about March 28, 1994, under Texas SoS File Number 0009943106.

6. On information and belief, DSW sells and offers to sell products and services throughout Texas, including in this judicial district, as well as throughout the United States, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be used, offered for sale, or sold in this judicial district and elsewhere in the United States.

7. On information and belief, DSW has made, used, offered to sell and/or sold products and services, including the following specifically accused products and

services: (1) DSW Marketing Emails;¹ (2) DSW Mobile Apps;² (3) DSW Gift Cards and e-Gift Cards;³ (4) the DSW website;⁴ (5) DSW online shopping services;⁵ (6) DSW in-store shopping services;⁶ (7) DSW Rewards;⁷ (8) current or legacy products or services, which use, or have used, one or more of the foregoing products and services as a component product or component service; (9) combinations of products and/or services comprising, in whole or in part, two or more of the foregoing products and services; and (10) all other current or legacy products and services imported, made, used, sold, or offered for sale by DSW that operate, or have operated in a substantially similar manner as the above-listed products and services. (As used herein, one or more of the foregoing products and services are individually and collectively referred to as the accused “DSW Marketing Products and Services”).

8. On information and belief, DSW, as well as the hardware and software components comprising the DSW Marketing Products and Services and/or that enable the DSW Marketing Products and Services to operate, including but not limited to

¹ See <https://www.dsw.com/en/us/legal/privacy-policy>.

² See e.g., <https://apps.apple.com/us/app/dsw-designer-shoe-warehouse/id918263528> and <https://play.google.com/store/apps/details?id=com.dsw.android>.

³ See <https://giftcards.dsw.com/>.

⁴ See <https://www.dsw.com/>.

⁵ See <https://www.dsw.com/en/us/shopping-bag/>.

⁶ See, e.g., <https://stores.dsw.com/usa/tx.html/>.

⁷ See, e.g., <https://www.dsw.com/en/us/vip>.

servers, server software, webserver software, webserver hardware, email server hardware, email server software, website client software, mobile computing device client application software, networked communications hardware, network routers, network switches, network hubs, WIFI access point hardware, WIFI access point software, point-of-sale hardware, point-of-sale software, back-end hardware, back-end software, cloud-based software, cloud-based hardware, and other hardware and software computing systems and components (individually and collectively referred to herein as the accused “DSW Marketing System”), infringes (literally and/or under the doctrine of equivalents) at least one claim of each of the patents-in-suit.

JURISDICTION AND VENUE

9. This Court has personal jurisdiction over DSW because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. §§ 271(a). In particular, on information and belief, DSW has made, used, offered to sell access to, and/or sold access to the accused DSW Marketing Products and Services in the Western District of Texas, and has made, used, offered to sell access to, and/or sold access to the DSW Marketing System in the Western District of Texas.

10. On information and belief, DSW is subject to the Court’s jurisdiction because it regularly conducts and solicits business, or otherwise engages in other persistent courses of conduct in this judicial district, and/or derives substantial revenue from the use, sale, and distribution of goods and services, including but not limited to the accused DSW Marketing Products and Services provided to individuals and businesses in the Western District of Texas.

11. On information and belief, DSW infringes the patent-in-suit in the Western District of Texas, at least, by making, using, offering to sell access to, and/or selling access to the accused DSW Marketing Products and Services in the Western District of Texas, and its making, use, offering to sell access to, and/or selling access to the DSW Marketing System.

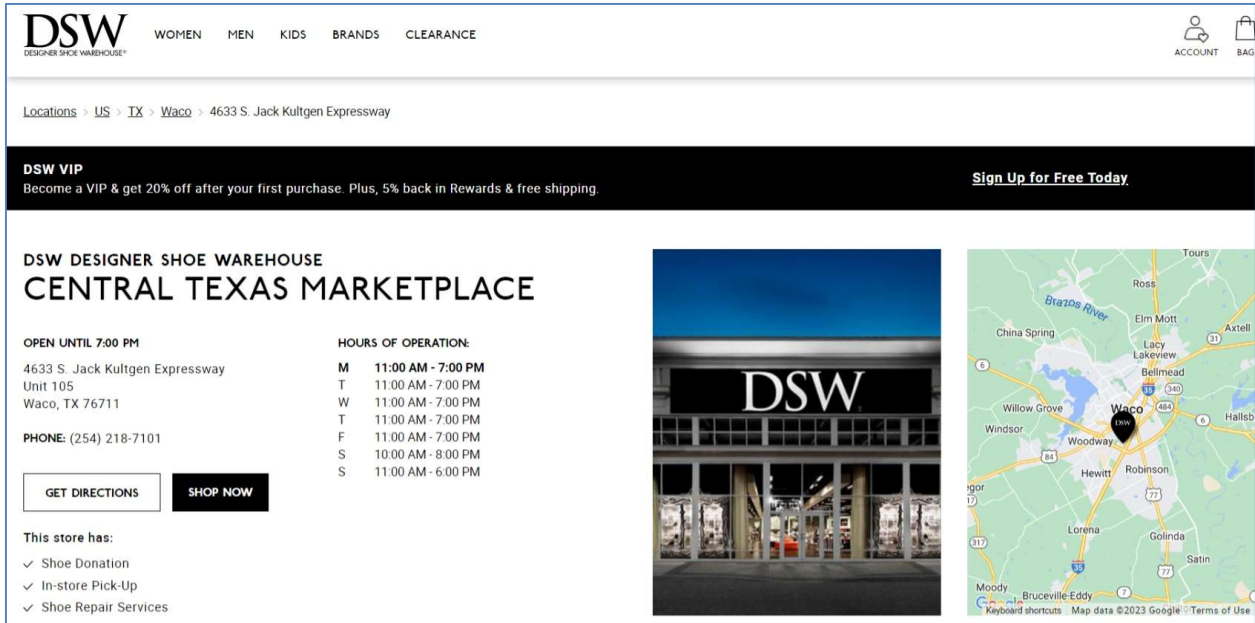
12. On information and belief, DSW is a footwear store that operates more than 519 stores in the United States of America and Canada and online at <https://www.dsw.com/>.

13. Indeed, on information and belief, DSW operates at least 46 retail stores in the State of Texas alone, *see* <https://stores.dsw.com/usa/tx.html>, with retail stores

throughout this judicial district, including in Waco, Austin, El Paso, Round Rock, and San Antonio, among others.

The screenshot shows the DSW website's navigation menu with categories: WOMEN, MEN, KIDS, BRANDS, and CLEARANCE. Below the navigation is a breadcrumb trail: Locations > US > TX. The main heading is "DSW STORES IN TEXAS". The store locations are listed in two columns, each with a city name and a count in parentheses.

City	Count	City	Count
Allen	(1)	Arlington	(1)
Austin	(1)	Cedar Hill	(1)
Cedar Park	(1)	College Station	(1)
Conroe	(1)	Corpus Christi	(1)
Dallas	(2)	Denton	(1)
El Paso	(1)	Eules	(1)
Fort Worth	(2)	Frisco	(1)
Garland	(1)	Highland Village	(1)
Houston	(4)	Humble	(1)
Hurst	(1)	Katy	(1)
Lewisville	(1)	Lubbock	(1)
McAllen	(1)	Mesquite	(1)
Pearland	(1)	Plano	(1)
Prosper	(1)	Round Rock	(1)
San Antonio	(5)	Shenandoah	(1)
Southlake	(1)	Spring	(1)
Sugar Land	(1)	Sunset Valley	(1)
Tyler	(1)	Waco	(1)
Webster	(1)		



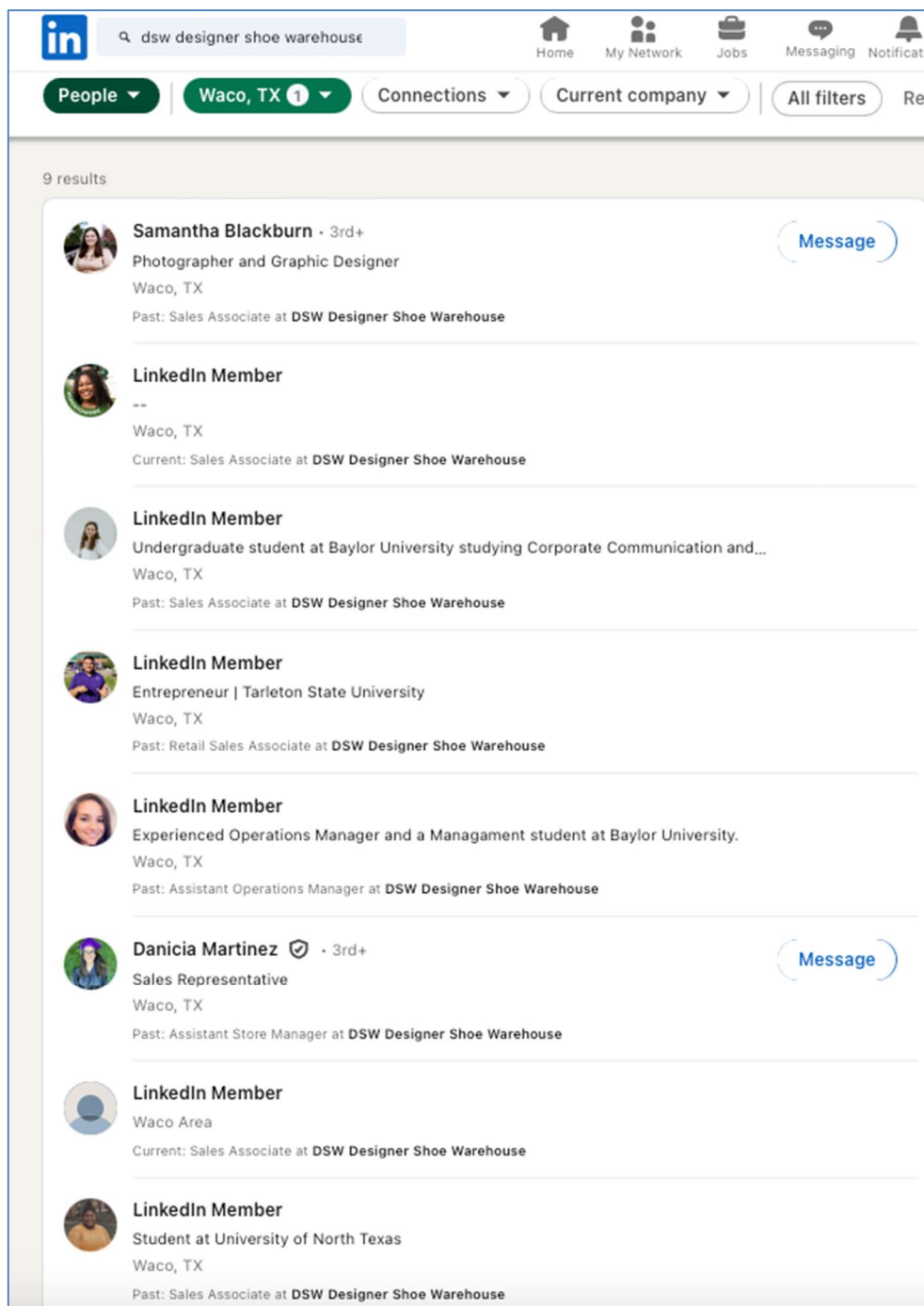
14. On information and belief, the accused DSW Marketing Products and Services and/or the DSW Marketing System are made, used, sold and offered for sale by DSW, or its agents, at DSW retail stores, including those retail stores located in the Western District of Texas.

15. On information and belief, DSW customers located in the Western District of Texas have obtained access to and used the accused DSW Marketing Products and Services and/or the DSW Marketing System while located in the Western District of Texas.

16. The Court has personal jurisdiction over DSW at least because it has continuous business contacts in the State of Texas and in the Western District of Texas; DSW has engaged in business activities including transacting business in the Western District of Texas and purposefully directing its business activities, including the sale or offer for sale of the DSW Marketing Products and Services to the Western District of

Texas to aid, abet, or contribute to the infringement of third parties in the Western District of Texas.

17. This Court has personal jurisdiction over DSW because, *inter alia*, DSW, on information and belief: (1) has committed acts of patent infringement in this Western District of Texas; (2) maintains a regular and established place of business in the Western District of Texas; (3) has substantial, continuous, and systematic contacts with this State and the Western District of Texas; (4) owns, manages, and operates facilities in this State and the Western District of Texas; (5) enjoys substantial income from its operations and sales in this State and the Western District of Texas; (6) employs Texas residents in this State and the Western District of Texas, and (7) solicits business using the DSW Marketing Products and Services and DSW Marketing System in this State and the Western District of Texas.



18. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b), at least because DSW, has committed acts of infringement in this judicial district, and has regular and established places of business in this judicial district.

United States Patent No. 7,065,555

19. On June 20, 2006, the USPTO duly and legally issued United States Patent No. 7,065,555 (“the ‘555 patent”) entitled “System and Method Related to Generating and Tracking an Email Campaign” to inventors Michael G. Foulger, Thomas R.

Chipperfield, Jeremy S. Cooper, and Andrew C. Storms.

20. The ‘555 patent is presumed valid under 35 U.S.C. § 282.

21. Advanced Transactions owns all rights, title, and interest in the ‘555 patent.

22. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the ‘555 patent.

23. The ‘555 patent relates to, among other things, a method and system for generating and tracking an email campaign.

24. The claimed invention(s) of the ‘555 patent sought to solve problems with, and improve upon, existing marketing and market research and analysis systems. For example, the ‘555 patent states:

The ability to market a product or service to individuals who are accessible on the Internet is becoming increasingly important. Effective ways of contacting these individuals are being sought. For instance, to market to these individuals, email may be sent to the individuals over the Internet, to provide information related to the product or service. Email systems exist today for sending email to a target set of email addresses for purposes such as marketing, information acquisition, and otherwise. A system for sending email to a number of email targets for such purposes may be called an email campaign.

Present email campaigns may suffer from difficulties in locating a pool of relevant individuals to be contacted. In a small email campaign, each email sent is critical to the success of the campaign, and needs to be carefully created. In other situations, large numbers of individuals to be contacted may have been found.

This may result in increased difficulty in tailoring the large number of required email messages to the individuals for more effective contact.

Furthermore, once an email campaign has been initiated, difficulties in measuring success of the email campaign are presented. Effective ways for determining whether email recipients have received email from the email campaign have been sought. Also, effective ways for allowing the email recipients to provide feedback have also been sought. It may be desirable for the email recipients to be able to respond with feedback, and for the quantity and content of the responses to be monitored and tracked.

See '555 Specification at col. 1, ll. 15-43.

25. The '555 patent then states:

In light of the foregoing, what is needed is an efficient way to create and track a email campaign.

See '555 Specification at col. 1, ll. 44-45.

26. The invention(s) claimed in the '555 patent solves various technological problems inherent in the then-existing existing marketing and market research and analysis systems to, among other things, function more efficiently.

United States Patent No. 7,386,594

27. On June 10, 2008, the USPTO duly and legally issued United States Patent No. 7,386,594 ("the '594 patent") entitled "System and method related to generating an email campaign" to inventors Michael G. Foulger, Thomas R. Chipperfield, Jeremy S. Cooper, and Andrew C. Storms.

28. The '594 patent is presumed valid under 35 U.S.C. § 282.

29. Advanced Transactions owns all rights, title, and interest in the '594 patent.

30. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the '594 patent.

31. The '594 patent relates to, among other things, a method and system for generating an email campaign.

32. The specification of the '594 patent is the same as the '555 patent specification, and solves the problems recited above and described in the '555 patent specification.

United States Patent No. 7,693,950

33. On April 6, 2010, the USPTO duly and legally issued United States Patent No. 7,693,950 ("the '950 patent") entitled "System and Method Related to Generating and Tracking an Email Campaign" to inventors Michael G. Foulger, Thomas R. Chipperfield, Jeremy S. Cooper, and Andrew C. Storms.

34. The '950 patent is presumed valid under 35 U.S.C. § 282.

35. Advanced Transactions owns all rights, title, and interest in the '950 patent.

36. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the '950 patent.

37. The '950 patent relates to, among other things, a method and system for generating and tracking an email campaign.

38. The specification of the '950 patent is the same as the '555 patent specification, and solves the problems recited above and described in the '555 patent specification.

United States Patent No. 7,979,057

39. On July 12, 2011, the USPTO duly and legally issued United States Patent No. 7,979,057 (“the ‘057 patent”) entitled “Third-Party Provider Method and System” to inventors Luis M. Ortiz and Kermit D. Lopez.

40. The ‘057 patent is presumed valid under 35 U.S.C. § 282.

41. Advanced Transactions owns all rights, title, and interest in the ‘057 patent.

42. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the ‘057 patent.

43. The ‘057 patent relates to, among other things, novel marketing and commercial transaction systems.

44. The claimed invention(s) of the ‘057 patent sought to solve problems with, and improve upon, existing marketing and merchandizing systems. For example, the ‘057 patent states:

The present invention is generally related to electronic hand held devices (hereinafter referred to as “hand held devices”) and electronic commerce (“E-commerce”). The present invention is also related to hand held devices, such as a Personal Digital Assistant (PDA), wireless telephone, pager, or other mobile computing and storage device adapted for use in E-commerce. The present invention is also related to wireless and wireline computer networks. The present invention is additionally related to the fields of electronic cash, credit, award, incentive, and/or product management usable with/for retail establishments, organizations, and customers. The present invention is also related to merchandising systems and systems for generating and redeeming negotiable economic credits and/or data (e.g., electro[nic] product discount coupons and other negotiable economic credits, such as enterprise awards, cash, credit, etc.).

See ‘057 Specification at col. 1, ll. 18-33.

45. The '057 patent then states:

The recent shift in the consumer electronics industry from an emphasis on analog technology to a preference for digital technology is largely based on the fact that the former generally limits the user to a role of a passive recipient of information, while the latter is interactive and allows the user to control what, when, and how he or she receives and manipulates certain information.

This shift in focus has resulted in the development and increasingly widespread use of, for example, a hand held digital device generically referred to as a "personal digital assistant" (PDA). These hand held devices are becoming increasingly popular for storing and maintaining information. Hand held devices, such as PDAs, may be connected to a desktop personal computer, networks or other PDAs via infrared, direct wire, or wireless communication links.

See '057 Specification at col. 1, ll. 35-49.

46. The '057 patent then states:

PDAs are increasingly being utilized to access information from remote computer networks, such as the "World Wide Web" and the "Internet," both terms well known in the computer networking arts. PDA users can, for example, download e-mail from the Internet to the PDA. Web sites also exist that permit PDA users to access and download software that may be run on the PDA. For example, some web sites offer information to PDAs in the form of compressed news articles, stock quotes, and other data obtained from a wide variety of other electronic web-based sources.

Based on the foregoing, it can be appreciated that a large number of users of hand held devices, such as PDAs, pagers and mobile telephony are increasingly relying on such devices to maintain and transmit a variety of personal and business information.

See '057 Specification at col. 2, ll. 13-27.

47. The '057 patent then states:

Discount coupons have long been distributed by manufacturers to merchandise their products and by retail stores or establishments to attract consumers to their particular stores. Discount coupons are a type of negotiable economic credit frequently utilized by enterprises for marketing products and services to the

public. Enterprise awards, such as frequent flyer miles, are also negotiable economic credits relied upon by enterprises for marketing purposes.

Coupons are typically distributed to attract customers to engage in commercial transactions. Such coupons are effective if utilized by a sufficiently high percentage of customers. Utilizing this gauge, free-standing inserts are not very effective. Their redemption rate is presently approximately 2.8 percent and dropping.

Typically, coupons are physically collected at stores and credit is provided to the customer purchasing the corresponding product. The coupons are generally bundled and forwarded to a clearing house and then to a redemption center for sorting and counting. Reports are eventually forwarded to the manufacturers issuing the coupons in order to eventually generate a credit to the stores redeeming the coupons. It may unfortunately take several months before a store is reimbursed for coupons under present coupon redemption/processing methods.

Another problem with coupons is a significant misredemption rate of between 20 and 30 percent as a result of misidentification and outright fraud. The misredemption problem is exacerbated by the enormous amount of time, usually a number of months, that it takes to reimburse the retail stores for the discount given the customer.

See '057 Specification at col. 2, ll. 28-57.

48. The '057 patent then states:

Attempts have been made to address such problems. Such attempts, however, have resulted in additional problems, while not fully addressing the problems described above. For example, some companies have implemented a product specific micro-marketing system tied to a product point of selection and proprietary hardware in the form of an alerting platform attached to a grocery cart. A consumer within a retail establishment presses a button on the grocery cart alerting platform to select an electronic coupon when a coupon is graphically displayed at the exact product location within the retail establishment. The customer and the cart must be located at the point of selection to access the coupon. Such a micro-marketing system is proprietary in nature and requires a customer to retrieve a coupon only from the point of selection within the store. Thus, because of the proprietary nature of the system, the coupons, the alerting platform and other proprietary hardware cannot be utilized at other retail establishments. Further, the enterprise associated with the retail establishment is burdened by the maintenance, replacement, and repair of the proprietary hardware attached to the

retail establishment's shopping carts due to use, abuse, the weather and so forth. Other systems known in the art utilize smart cards and card readers/writers at point of product selection for obtaining coupon data. Such systems, however, force the user to retrieve data at the point of product selection (*i.e.* point of selection), thereby tying their shopping activities to a proprietary system.

Accordingly, alternatives are needed to traditional mass marketing and couponing techniques, and proprietary, point of selection type systems. A need exists for non-, or solely-, proprietary, based systems that are flexible, efficient and consumer friendly. Further a need exists for credit devices that are not completely owned by the enterprise or retail establishment, but owned by the customers themselves and which can be utilized at other retail establishments and enterprises. Such a device and associated systems and methods, should be ubiquitous in nature to avoid the problems inherently associated with prior micro-marketing systems.

It has become apparent to the present inventors that the ability to acquire, store and use negotiable economic credits, such as coupons, on hand held devices would free users of the time consuming tasks of clipping, organizing and redeeming traditional paper coupons or credits (*e.g.*, frequent flier redemption via paper-based request), and the problems associated with proprietary micro-marketing systems. It has also become apparent to the present inventors that for merchandisers and manufacturers, such hand held devices could be utilized to effectively market, compile and negotiate credit exchanges/redemption much more efficiently than the traditional paper processing methods or proprietary-based micro-marketing systems and methods.

See '057 Specification at col. 2, l. 58 - col. 3, l 43.

49. The '057 patent then states:

It is believed that aspects of the invention presently described herein solve the traditional problems associated with negotiable economic credits, including coupons, cash, credit and enterprise awards, and the problems associated with proprietary-based marketing systems thereof, while addressing an area of user control that has not yet been considered, anticipated, or utilized by coupon/credit merchandisers and manufacturers, namely, the increasing number of individuals who rely on hand held devices, such as PDAs, to maintain and store personal and business information.

See '057 Specification at col. 3, ll. 44-53.

50. The invention(s) claimed in the '057 patent solves various technological problems inherent in the then-existing marketing and merchandizing systems to, among other things, (1) function more efficiently, (2) allow customers to become more actively engaged in retail marketing campaigns, (3) reduce the complexity, costs, and other problems associated with prior art marketing and merchandizing systems, (4) improve the security inherent in prior art marketing and merchandizing systems, and (5) improve accessibility and adoption of marketing and merchandizing systems over prior art marketing and merchandizing systems.

United States Patent No. 8,150,736

51. On April 3, 2012, the USPTO duly and legally issued United States Patent No. 8,150,736 ("the '736 patent") entitled "Global Electronic Commerce System" to inventors Michel Horn and Thomas Scott Manaugh.

52. The '736 patent is presumed valid under 35 U.S.C. § 282.

53. Advanced Transactions owns all rights, title, and interest in the '736 patent.

54. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the '736 patent.

55. The '736 patent relates to, among other things, a novel electronic shopping system.

56. The claimed invention(s) of the '736 patent sought to solve problems with, and improve upon, existing electronic shopping systems. For example, the '736 patent states:

The field of this invention is global sale of products and services using electronic means of (a) communications, (b) data storage and retrieval, (c) taking of orders, (d) fulfillment, (e) transfers of payments, and (f) providing customer service after the sale. Both business-to-business and business-to-consumer sales are effectuated.

See '736 Specification at col. 1, ll. 21-26.

57. The '736 patent then states:

The present invention is a system for use by even small manufacturers to meet a long-felt need to sell their products to Buyers around the world. The term "manufacturers" is meant to include manufacturers or authorized distributors for manufacturers; and the term "Buyers" is meant to include both individuals and organizations, including other manufacturers.

A complete system, termed a Global Store, is disclosed, a system that overcomes barriers to global trade of language, culture, and nationality. The Global Store integrates communications and database software technologies, hardware infrastructure, and operating methods to market and sell products from manufacturers around the globe to Buyers in a multitude of locales around the globe. Stated another way, The Global Store assembles and operates various subsystems to provide the infrastructure for manufacturers to use a new channel of global commerce, a Virtual Channel.

See '736 Specification at col. 1, ll. 27-43.

58. The '736 patent then states:

A confluence of recognized needs and new technologies now sets the stage for a revolutionary change in how manufacturers bring their products to markets around the world.

Advances in communications and information technology and their associated standards have made geography a much less salient factor in trade than in prior years. Electronic communications at the speed of light enables one to purchase a product on the other side of the world as quickly as across the street—even more quickly should one decide to walk across that street to make the purchase. Furthermore, increasing use of English as a *de facto* language of commerce and increasing access to good, real-time translation technology will inevitably lower language barriers.

The Global Store system, described here, is a method that integrates revolutionary and evolutionary developments into a new system of global trade in the Virtual Channel. Only in the very recent past have the following compelling trends and powerful developments conjoined to permit the construction and operation of a complete and integrated system of global trade to meet long-felt needs:

- 1) a quickly growing population of Internet users around the world who are ready to shop online 24 hours per day and 365 days per year,
- 2) Websites to provide specialized functions such as online payments, online currency conversion tables, universal tax tables, and parcel tracking,
- 3) third-party fulfillment services to support regional and global distribution,
- 4) “pull” online marketing that allows customers greater opportunities to customize the products they purchase, as compared with the “push” marketing of ready-made products that is characteristic of brick-and-mortar retail channels,
- 5) international agreements to eliminate tariffs on imports,
- 6) globalization of sources of supply,
- 7) efficiencies and economies of scale resulting from consolidation of marketing functions across markets,
- 8) establishment of ubiquitous delivery services,
- 9) availability of escrow services to assuage concerns of online Buyers about completing purchases after shopping baskets are filled,
- 10) growth in telecommuting to work and in home-based internet businesses, allowing participants to avoid driving and, thereby, less occasion to stop at brick-and-mortar stores to shop,
- 11) increased global travel and increased access to information from around the world using wide-band communications, thereby increasing interest in products from far-away locales,
- 12) consolidation of warehousing and distribution centers for quicker and more efficient fulfillment of orders,

- 13) manufacturers' need to retain brand control by offering increasing levels of customer support from a single point,
- 14) technology to implement Web-based multi-language global marketing systems using newly invoked international standards, locale-specific stored SQL procedures, integrated multi-locale Web-based relational data bases, and Unicode, and
- 15) integration of manufacturers' Business-to-Consumer sales with their Business-to-Business strategies for procuring supplies, offering a means to couple direct online customer sales with procurements, thus completing the transition to a completely integrated "Pull" model: A custom product is created to satisfy a Buyer's needs, and suppliers are enabled to provide necessary Business-to-Business products and services on a timely basis.

See '736 Specification at col. 2, l. 16 - col. 3, l. 17.

59. The '736 patent then states:

Pent-up pressures for globalization have produced numerous examples of conventional e-commerce businesses attempting to expand globally. These businesses generally meet the challenge to provide information in multiple languages and across cultures by cloning Websites from one locale to another—reproducing some of the design of the original Website and some of the content. This multi-headed e-commerce approach is a crude interim step that fails to meet the emerging needs of manufacturers who desire global sales. Loss of the efficiencies and economies of a truly global approach make the prices of their products less competitive than should be possible, and there is the additional problem of entering and maintaining current and accurate information across multiple databases.

In conventional e-commerce it is not uncommon for the unscrupulous to sell brand name goods through Websites when they are not authorized to do so. In response, manufacturers desire to maintain better control of prices, marketing information about their products, sales, fulfillment, and customer service—all in a global context and, ideally, from a single integrated site.

Buyers are reluctant to make international purchases when they fear that they will have no practical recourse if they pay for a product but either do not receive it or find the product is not acceptable. What is needed for a hesitant Buyer is an escrow service that will complete settlement only after the product has been successfully delivered and the Buyer is satisfied.

Many conventional e-commerce Websites have sought to sell products globally, but few if any have made a serious commitment to globalization by providing good translations in multiple languages. (So far, machine translations are so lacking in accuracy and idiomatic expression that they are likely to inspire mirth rather than confidence in a Buyer.) Furthermore, no site offers products of a multitude of manufacturers along with customer support across more than one language, support that is needed for Buyers to be well informed about international shipping, duties, warranties, currency conversion, repair centers, and other issues important to Buyers.

Conventionally, for both e-commerce and brick-and-mortar businesses, separate databases are established to support production, marketing, sales, and accounting. Information changes in one business database often are not reflected in all of the other databases. Further information vital to a customer, such as parcel tracking, would require leaving the e-commerce site to access such a service on yet another system. Customer support is critically lacking in brick-and-mortar businesses and also is missing in most e-commerce businesses. What is missing is the ability to place in the hands of the customer the ability to go to a single location and, interactively, to obtain an answer to a question pertaining to a product or to an order.

Departing from conventional e-commerce approaches, the ideal e-commerce model, from the manufacturers' viewpoint, is to sell globally using a system allowing

- 1) a single database of product descriptions in common format to be translated for Buyers across different languages,
- 2) Buyers to come to a single, authorized Global Store with a single Web URL address,
- 3) global sales across many locales using an information system operating in a multitude of languages to provide product information assembled for each specific locale,
- 4) a generalized, reliable approach to shipping, currency conversion, settlements, and customer support,
- 5) global sales without losing brand control,
- 6) minimal delays in bringing new products to market or old products to new markets,

- 7) the manufacturer to take orders for custom-made products, using a “pull” method,
- 8) fulfillment from a plurality of strategically-located fulfillment centers around the Globe, and
- 9) Buyers to get information on the Buyers’ transaction history and to find links to manufacturer's support from a single Website.

See '736 Specification at col. 3, l. 18 - col. 4, l. 26.

60. The '736 patent then states:

The Global Store system uses a multi-version database to provide a new way of providing language/locale-specific marketing information and sales of products to Buyers around the globe. Prior art, as seen in patents cited below, provide opportunities for Buyers to (a) view a product and be referred to a seller or (b) view and purchase a product over the Internet, with or without use of a referrer Website. However, no prior art takes advantage of (a) multi-version, locale-specific innovations in marketing, (b) use of Referral Websites from a multitude of locales, combined with (c) other Ancillary Resources to offer truly global sales over the Internet.

See '736 Specification at col. 4, ll. 51-61.

61. The '736 patent then states:

Prior art has not solved the problem of marketing globally from a single-point. Major players in global e-commerce (*e.g.*, AOL, Yahoo, and Amazon) have adopted a country-by-country or a region-by-region strategy in order to adapt to Buyers’ languages and cultures.

In a statement quoted in a Wall Street Journal article, 8/01/2000, a Yahoo executive declared that Yahoo would consider itself unsuccessful if Yahoo were considered an American company two years from then. Yahoo and other e-commerce companies have discovered that their widely recognized brand names are, in themselves, not sufficient for attracting global e-commerce business. Buyers have been found, however, to be attracted to e-commerce sites that cater to local interests and culture. Stated another way, Buyers are more comfortable and confident about buying from a business they do not perceive as foreign.

Needed is a system to provide culture-sensitive and language-adapted marketing, sales, and customer service content to Buyers, doing so in a way that takes

advantage of the efficiencies and economies of using a single point of operations. Prior art, described as follows, fails to meet that criterion:

See '736 Specification at col. 4, l. 63 – col. 5, l. 18.

62. The '736 patent then states:

Also disclosed are other innovations not seen in the Wong patent, the Chelliah *et al* patent, or in other prior art:

- (1) a clear and efficient way to categorize products to be displayed to Buyers,
- (2) an order-taking shopping cart subsystem that encourages Buyers to complete a purchase transaction by keeping products selected for purchase in the Buyer's view and by interactively involving the Buyer in a purchasing process, and
- (3) a means to provide comprehensive customer service information from a single convenient point.

Accommodating Buyers using a diversity of languages and additional needed innovations are discussed below in the context of related prior art.

See '736 Specification at col. 5, l. 53-67.

63. The '736 patent then states:

By placing marketing information about products in the Global Store with its multi-language, single, logical, searchable database, a manufacturer can engage in marketing efforts worldwide on the Internet in a multitude of different languages and adapted to various cultures and countries. It has become obvious during the past several years that manufacturers around the world need a global marketing method in order to stay competitive and to optimize their profitability. Use of the Global Store will allow manufacturers advantageously to meet their long felt need to tap into the global market to expand their customer bases, increase sales, and benefit from economies of scale.

Furthermore, use of marketing resources in the Global Store meets the objective for manufacturers to access global marketing efforts without losing control over their marketing—place, presentation, price, promotions, and policies of service. Thereby, manufacturers may build a worldwide brand name based on authentic products, ethical representations, fair prices, and good service to Buyers.

See '736 Specification at col. 13, l. 3-22.

64. The '736 patent then states:

Another object of this invention is to provide manufacturers with a much more efficient and responsive feedback mechanism for adjusting marketing and production schedules. For example, immediate feedback that a new line of skis was selling briskly in South America during May would prompt a ski manufacturer to start adding marketing and production resources for the new line's introduction to Buyers in North America in October.

Another object of the Global Store is to provide better controls over quality of products and services. A complete system of controls spans the Virtual Channel from start (adding a manufacturer's product into a global, multi-version product database) to end (the expiration of an escrow period during which a Buyer may request a refund if a delivered product is not satisfactory).

Another object of the Global Store is to help manufacturers satisfy Buyers' needs for customer service. In order to serve as an alternative to use of the Legacy Channel, the Global Store matches and, where possible, exceeds the level of service that Buyers find in the Legacy Channel.

See '736 Specification at col. 13, ll. 23-43.

65. The '736 patent then states:

Another object of this invention is for manufacturers to be able to provide Buyers with adequate information to make buying decisions. Many prospective Buyers will not complete a transaction unless they know not only the cost of the item but also the total price, including shipping fees, *etc.* The present invention overcomes this barrier by providing a comprehensive, integrated system whereby Buyers from all over the world can get complete information about product, price (stated in the Buyer's currency), and delivery prior to making the buying decision. Furthermore, the use of a single marketing information database allows the manufacturer easily to control and communicate accurate information about product availability in inventory, service availability, warranties, and return policies.

Another object of this invention is to improve the probability a Buyer will complete a purchase transaction after the Buyer has selected a product for purchase. With conventional art, products are placed in a "shopping cart." Unfortunately, that cart often is later abandoned with no purchase made. The invention disclosed here

includes an improved shopping cart design, an improvement that facilitates a Buyer's decision to complete a purchase transaction by

- 1) establishing immediately an interactive relationship with the Buyer by opening a new frame that shows a shopping cart (titled "Open-Frame Interactive Shopping Cart") and asking the Buyer to answer certain questions that appear in the frame before the Buyer proceeds to checkout or returns to shopping,
- 2) maintaining interactive contact by with the Buyer by keeping a minimized, restorable shopping cart visible on the Buyer's computer screen during the entire time when the Buyer is viewing products after a product has been selected,
- 3) providing total costs for a purchase, including shipping charges, immediately after the Buyer has selected a product, and
- 4) prominently offering the option for the Buyer of making an immediate purchase.

An important advantage here is the immediate assumption that the purchase will be made plus the visual reminder that the Buyer has made a selection and that the product is ready for purchase. This approach overcomes the disadvantage of prior art in which the Buyer is implicitly told that the Buyer need only "think about" completing the purchase "later." That implicit message is poor sales technique. It is best to have the Buyer complete the transaction as soon as possible, before the Buyer forgets about the perceived benefits of the product, gets distracted, or hesitates because of second thoughts.

See '736 Specification at col. 13, l. 57- col. 14, l. 37.

66. The '736 patent then states:

The invention disclosed here includes an efficient universal method of organizing and displaying product categories for selection by Buyers. Using sequential drop-down menus and a clearly organized hierarchy, a Buyer quickly and intuitively navigates among thousands of possible categories of products to select a desired category. The process is easily understood, powerful, and efficient.

See '736 Specification at col. 14, ll. 44-50.

67. The invention(s) claimed in the '736 patent solves various technological problems inherent in the then-existing electronic shopping systems to, among other things, (1) function more efficiently; (2) increase the pool of customers who interact with such systems; (3) overcome barriers to transaction carried out by such systems related to language, culture, and nationality; (4) establish new or improved integrations within such systems related to communications, databases, and hardware subsystems; (5) improve the methods by which such systems market and sell products; (6) help such systems to leverage economies of scale and become more competitive; (7) allow such systems to provide more timely and accurate information; (8) improve the comfort, confidence, and trust amongst customers and potential customers of such systems; (9) streamline and better coordinate the operations of such systems with respect to customer support, marketing, sales, shipping, and accounting; (10) improve brand control within such systems; (11) expand the selection of products available for purchase through such systems; (12) improve the order-taking processes of such systems; (13) accommodate a broader range of customers and potential customers using such systems; (14) increase sales through the use of such systems; (15) improve the quality, organization, and presentation of information accessible to the customers and potential customers of such systems; (16) improve the probability that a customer or potential customer will complete a purchase transaction through such systems; and (17) reduce the complexity, costs, and other problems associated with such systems.

United States Patent No. 8,175,519

68. On May 8, 2012, the USPTO duly and legally issued United States Patent No. 8,175,519 (“the ‘519 patent”) entitled “Third-Party Provider Method and System” to inventors Luis M. Ortiz and Kermit D. Lopez.

69. The ‘519 patent is presumed valid under 35 U.S.C. § 282.

70. Advanced Transactions owns all rights, title, and interest in the ‘519 patent.

71. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the ‘519 patent.

72. The ‘519 patent relates to, among other things, novel marketing and commercial transaction systems.

73. The specification of the ‘519 patent is the same as the ‘057 patent specification and addresses and solves the problems recited above and described in the ‘057 patent specification.

United States Patent No. 9,747,608

74. On August 29, 2017, the USPTO duly and legally issued United States Patent No. 9,747,608 (“the ‘608 patent”) entitled “Third-Party Provider Method and System” to inventors Luis M. Ortiz and Kermit D. Lopez.

75. The ‘608 patent is presumed valid under 35 U.S.C. § 282.

76. Advanced Transactions owns all rights, title, and interest in the ‘608 patent.

77. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the '608 patent.

78. The '608 patent relates to, among other things, novel marketing and commercial transaction systems.

79. The specification of the '608 patent is the same as the '057 patent specification and addresses and solves the problems recited above and described in the '057 patent specification.

United States Patent No. 10,783,529

80. On September 22, 2020, the USPTO duly and legally issued United States Patent No. 10,783,529 ("the '529 patent") entitled "Third-Party Provider Method and System" to inventors Luis M. Ortiz and Kermit D. Lopez.

81. The '529 patent is presumed valid under 35 U.S.C. § 282.

82. Advanced Transactions owns all rights, title, and interest in the '529 patent.

83. Advanced Transactions has not granted DSW an approval, an authorization, or a license to the rights under the '529 patent.

84. The '529 patent relates to, among other things, novel marketing and commercial transaction systems.

85. The specification of the '529 patent is the same as the '057 patent specification and addresses and solves the problems recited above and described in the '057 patent specification.

DSW'S PRIOR KNOWLEDGE OF THE PATENTS-IN-SUIT

86. On or about March 24, 2023, counsel for Advanced Transactions sent a letter (the "March 2023 Notice Letter," attached hereto as Exhibit A) via Federal Express to Roger Rawlins in his capacity as Chief Executive Officer and President of DSW Shoe Warehouse, Inc. The March 2023 Notice Letter was sent to DSW, along with a draft of the instant Complaint, for the express purpose of acquainting DSW with Advanced Transactions' patent portfolio, including but not limited to Patents-in-Suit, prior to any enforcement action relating to DSW's Marketing Products and Services. The March 2023 Notice Letter invited DSW to participate in discussions regarding a license to allow its continued use of Advanced Transactions' patented technologies.

87. By email dated April 6, 2023, Mir Shoap, Senior Manager of Legal Services for DSW, wrote to outside counsel for Advanced Transactions stating, "We are in receipt of your letter regarding your client, Advanced Technologies [sic]. We are reviewing and will be in touch with any questions in the next week or two. In the meantime, if you have any additional information to share please forward it to me."

88. Counsel for Advanced Transaction responded to Ms. Shoap the next day and introduced Advanced Transactions' licensing agent, Ascend IP. That same day, Ascend IP wrote to Ms. Shoap and invited a licensing discussion.

89. As of the date of the filing of the instant Complaint, neither DSW nor Ms. Shoap has responded further to the March 2023 Notice Letter or the follow up emails from outside counsel or Ascend IP.

90. DSW has been aware of the Patents-in-Suit since at least the March 2023 Notice Letter and has continued to willfully infringe, thereby warranting enhanced damages and attorneys fees as set forth more fully below.

CLAIMS FOR RELIEF

Count I - Infringement of United States Patent No. 7,065,555

93. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

94. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claim 1 of the '555 patent.

95. On information and belief, one or more components of the DSW Marketing System, (*e.g.*, an email server operated by DSW), employs and provides a method for conducting an email campaign.

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DSW VIP dsw@retailer.com [Log out](#)

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WOMEN MEN KIDS BRANDS CLEARANCE

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WE PROMISE TO SEND YOU GOOD STUFF
Like emails about can't-miss deals, the latest trends, & must-have shoes (from top brands) for women, men, & kids.

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 Expires March 25, 2023 to redeem online. Valid in US stores and at dsw.com for 10% off a purchase. Use offer code **EMCPTR10P2R4CD@#G** to redeem online. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward gift cards, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. Not valid at DSW Canada or www.dsw.ca. Other restrictions may apply. See store or dsw.com for exclusions and details. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com for help_customerservice@dsw.com for help.

Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bogs, Born, @Zees, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:
 Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:
 Available in select stores only. 2 hour pickup not available on all items. Please see dsw.com for full details.

About 15% off for SM\$ Messaging:
 Opt-in to DSW SMS messages to receive offer. Valid for 15% off a qualifying purchase. Limit 1 per customer. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward alcohol, gift cards, select services, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered, or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. See store or dsw.com/exclusions for details. Not valid at DSW Canada, www.dsw.com, or www.dsw.ca. Other restrictions may apply. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com for help.

About Afterpay:
 Must be over 18, a resident of the U.S., and meet additional eligibility criteria to qualify. Late fees apply. Visit <https://www.dsw.com/en/us/afterpay-faq> for details.

About our prices:
Advised prices may vary by location and are subject to change at any time without notice. Visit dsw.com or one of our stores for current pricing.

Our COMP. VALUE prices typically refer to the manufacturer's suggested retail price (MSRP). When an MSRP is not available, the COMP. VALUE price is our estimate of other retailers' ticketed prices for the same or similar items.

<p>THIS IS A PRODUCT OFFERING FROM: DSW Designer Shoe Warehouse 810 DSW Drive Columbus, Ohio 43219-1802 USA</p> <p>CONTACT US: For help, email service@dsw.com or call 1.866.DSW.SHOES (1.866.379.7463).</p>	<p>THIS EMAIL WAS SENT TO: jsmith2345678910@gmail.com</p> <p>Manage Email Preferences Unsubscribe Privacy Policy</p>
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See e.g., screenshots of personalized email received from the DSW email server.

DSW SHOE WAREHOUSE, INC. PRIVACY POLICY

DSW Shoe Warehouse, Inc. ("DSW") collects personal information to facilitate and enhance your shopping experience and for other purposes. This privacy policy ("Policy") describes how we collect, use, disclose, and safeguard personal information and how to exercise any privacy rights you may have with respect to your information. This Policy applies to the personal information we collect at any of our stores, on the phone, through our websites that link to this Policy, and through other means. It does not apply to personal information we collect in an employment context, including information we collect from job applicants and independent contractors. References to dsw.com or "Sites" refer generally to all of DSW's online services, including mobile applications. In this Policy, "we" and "our" mean DSW.

INFORMATION WE COLLECT

Personal Information

"Personal information" means information that identifies, relates to, or describes, directly or indirectly, a particular individual. We collect the following categories of personal information:

- **Identifiers.** We collect personal identifiers such as name, phone number, email address, billing address, shipping address, password, driver's license number, device id, and IP address. We will also create a client number when you make a purchase and a DSW VIP Rewards Number when you sign up to be a member.
- **Audio, electronic, and visual information.** We collect audio, electronic, and visual information such as the messages you submit through dsw.com, emails and texts you send us, messages to delivery recipients, delivery instructions, digital photos you submit through dsw.com, video footage and photographs of the public areas of stores, and call recordings.
- **Internet or other and network activity information.** We collect information such as IP address, browsing or search history, your interactions with our emails, and data collected through cookies and similar technologies.
- **Commercial information.** We collect and generate commercial information such as records of merchandise and services purchased, product interests, payment information (credit/debit card number, expiration date, and bank account information), and self-reported transactions such as the purchase of a new home.
- **Characteristics of protected classifications under California or federal law.** We collect information such as age (including date of birth), gender or gender identity, race, ethnicity, and religion. We may also collect information that indirectly reveals pregnancy status or sexual orientation, for example if you provide such details in connection with our Big Moments campaign.
- **Personal characteristics and demographic information.** We collect personal characteristics such as your footwear size, marital status, household income range, preferred language, and number and ages of children. If you are a VIP member and participate in our Big Moments program, we may also collect information related to milestones in your life, such as an engagement, wedding, or birth of a child.
- **Geolocation Information.** We collect mobile device identifiers and real-time precise geolocation information from mobile app users and visitors' devices in and around our stores.
- **Professional or employment-related information.** We may collect information such as your job title or promotion status, for example when you provide this information in connection with our Big Moments campaign.
- **Education information.** We collect information related to your education such as highest degree earned or information you provide in connection with our Big Moments campaign.
- **Medical or health information.** We collect this information only to the extent that you provide information to us that reveals a health or medical condition (e.g., you inform us you are pregnant in connection with our Big Moments program).

- Inferences from the information listed above. We use the information listed above to draw inferences about your preferences (such as your preferred brands and styles).
- Personal information as described in Cal. Civ. Code § 1798.80(e). We collect this information to the extent collected under another category of personal information above.

Some of the personal information listed above may be considered sensitive personal information under relevant privacy laws. This includes driver's license and other government identification card information, precise geolocation data, race, ethnicity, sexual orientation, medical or health information, and your VIP account login credentials. Each type of sensitive personal information may overlap with a category of personal information listed above.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on our Sites ("Usage Data"). For example, each time you use our Sites, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, the number of clicks to, from, and within our Sites, and the duration of your visits to our Sites. If we can reasonably associate this information with you, directly or indirectly, we treat it as personal information under the categories of Identifiers and Internet or other electronic network information, as appropriate. If we cannot reasonably associate this information with you, we treat it as Usage Data.

De-identified or Aggregated Information

We de-identify and/or aggregate data we receive and may use and disclose it for any business purpose. We will not re-identify previously de-identified data.

Recorded Communications

We may record calls and retain the content of chat transcripts, emails, text messages, and other written or electronic communications between you and us. By communicating with us, you consent to our recording and retention of these communications.

HOW WE COLLECT INFORMATION

From You

We collect the categories of personal information listed above directly from you through dsw.com (such as when you make a purchase and register for an account), during calls with you (such as when you contact customer service), during live chat (such as interacting with our online live chat tool), in our stores (such as when you interact with a salesperson or make a purchase), when you interact with our emails (such as when you respond to our surveys and open and interact with our emails), as you sign up for the DSW VIP Rewards Program ("Program") or manage your DSW Rewards Account and when you participate in surveys, product ratings and reviews, promotions, sweepstakes and contests. When you use our in-store wi-fi services, download and use our mobile application or operate your device near or in our stores, we obtain information from your device.

* * *

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We and third parties use cookies (small text files placed on your computer to identify your computer and browser) and other automated tools to track your clicks and pass information as you navigate the Sites. We and third parties use the following types of cookies on the Sites:

- *Strictly Necessary:* These cookies are essential to operate the Sites.
- *Functional:* These cookies enable certain features or non-essential functionality on our Sites. For example, we might use these cookies to recognize you and remember your preferences or the items in your shopping bag when you return to our Sites. This helps us provide you with a more personalized experience.
- *Analytics:* These cookies help us and third parties understand how our Sites are working and who is visiting our Sites.
- *Advertising:* These cookies allow us and third parties to learn more about you, including your use of our Sites and other websites, and to advertise products or/services that might interest you as further indicated below.

We and third parties also use tools that enable us to track certain aspects of a user's visit to our Sites. These tools help us better manage content on our Sites by informing us what content is effective, how consumers engage with our Sites, and how users arrive at and/or depart from our Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers embedded in web pages and email messages that track whether a user has viewed a web page or email message. The software may also track user engagement with our Sites such as links and other content clicked on by the User. User activity information may be associated with additional information about a user's session and personal information, if provided by the user.

You can opt out of certain types of cookies and other tracking tools by managing your preferences [here](#).

If you arrive at our Sites by "clicking through" from another website, certain information about you that you provided to that other website, such as the terms you were searching on that led you to our Sites, may be transmitted to us and we may use it. You should review the privacy policy of any website from which you reached our Sites to determine what information that website collects and for what purpose(s) the website operators use that information. We may retain information about you provided to us by other websites and will use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or personal information.

See, e.g., <https://www.dsw.com/en/us/legal/privacy-policy>.

96. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of receiving an email target database.

BECOME A MEMBER

First Name

Last Name

That email address is invalid. Please make sure the format is correct (abc@xyz.com) and try again.

Email

I'd like to receive special email offers and promotions

Password [Show](#)

Password must be at least 6 characters long and include at least 2 of the following: a number, an uppercase/lowercase letter and/or one of these special characters ! # \$ % & @ ? % _ -

Address Apt./Bldg./Suite (Optional)

City Please choose a State Zip code

State

OPTIONAL INFORMATION

BIRTHDAY

Month Day Gender

Mobile Phone

By creating an account, I agree to the [VIP Program Terms](#) and DSW's [Privacy Policy](#).

BECOME A MEMBER

See e.g., <https://www.dsw.com/en/us/create-account>.

Your 10% off is here! [View it](#)

DSW VIP dsw@retailer.com [Log out](#)

11:22 AM (3 hours ago)

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DESIGNER SHOE WAREHOUSE

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WE PROMISE TO SEND YOU GOOD STUFF
Like emails about can't-miss deals, the latest trends, & must-have shoes (from top brands) for women, men, & kids.

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*Valid in stores and online. One time use only. Details below.

10% OFF

BARCODE: 483248700107



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About the 10% Off:
 Expires March 25, 2023 to redeem online. Valid in US stores and at dsw.com for 10% off a purchase. Use offer code **EMCPTR10P2R4CD@#G** to redeem online. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward gift cards, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. Not valid at DSW Canada or www.dsw.ca. Other restrictions may apply. See store or dsw.com for exclusions and details. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com for help_customerservice@dsw.com for help.

Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floaters, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bogs, Born, @Zees, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:
 Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:
 Available in select stores only. 2 hour pickup not available on all items. Please see dsw.com for full details.

About 15% off for SM\$ Messaging:
 Opt-in to DSW SMS messages to receive offer. Valid for 15% off a qualifying purchase. Limit 1 per customer. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward alcohol, gift cards, select services, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered, or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. See store or dsw.com/exclusions for details. Not valid at DSW Canada, www.dsw.com, or www.dsw.ca. Other restrictions may apply. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com for help.

About Afterpay:
 Must be over 18, a resident of the U.S., and meet additional eligibility criteria to qualify. Late fees apply. Visit <https://www.dsw.com/en/us/afterpay-faq> for details.

About our prices:
Advertised prices may vary by location and are subject to change at any time without notice. Visit dsw.com or one of our stores for current pricing.

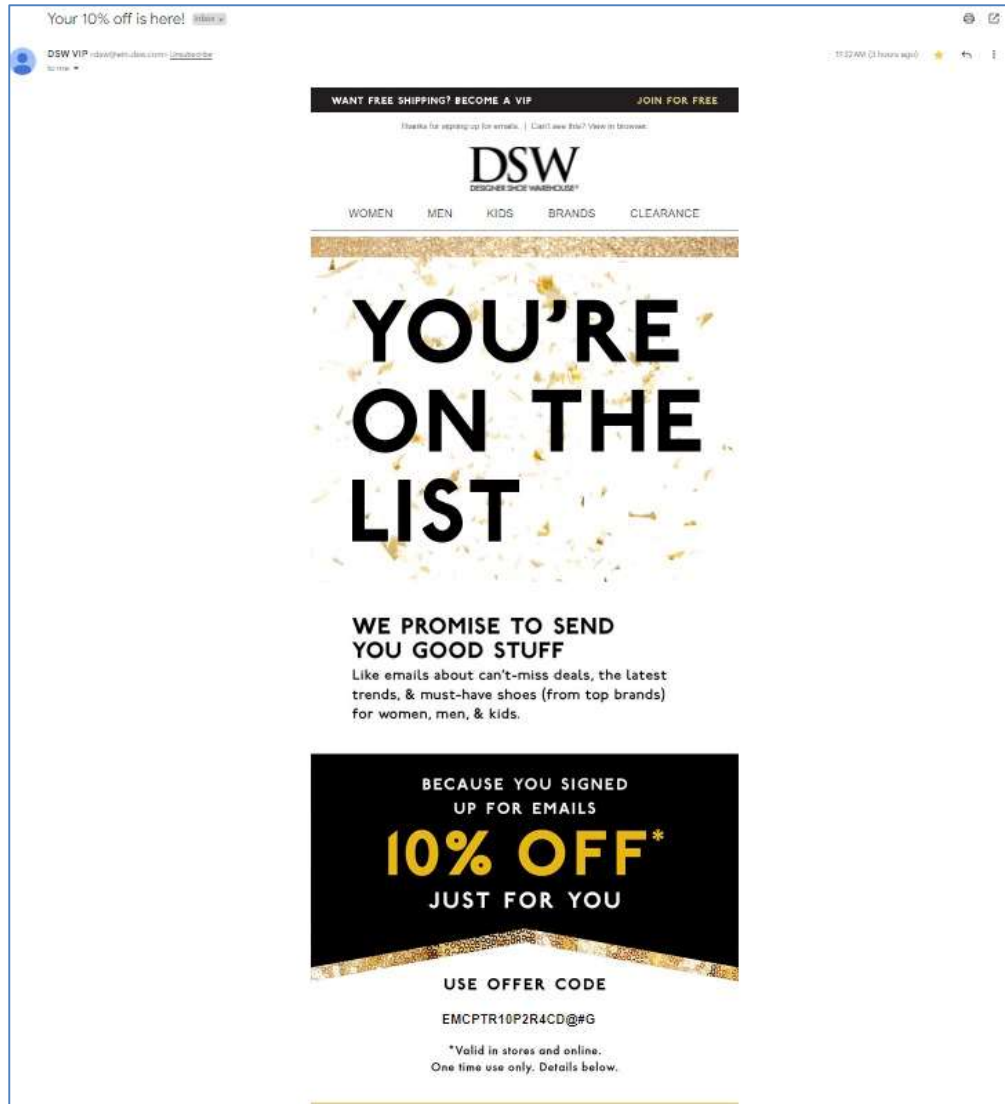
Our COMP. VALUE prices typically refer to the manufacturer's suggested retail price (MSRP). When an MSRP is not available, the COMP. VALUE price is our estimate of other retailers' ticketed prices for the same or similar items.

<p>THIS IS A PRODUCT OFFERING FROM: DSW Designer Shoe Warehouse 810 DSW Drive Columbus, Ohio 43219-1802 USA</p> <p>CONTACT US: For help, email service@dsw.com or call 1.866.DSW.SHOES (1.866.379.7463).</p>	<p>THIS EMAIL WAS SENT TO: jsmith2345678910@gmail.com</p> <p>Manage Email Preferences Unsubscribe Privacy Policy</p>
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See e.g., screenshots of personalized email received from the DSW email server.

97. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of generating an email campaign template related to at least one email target in the received email target database.



10% OFF

BARCODE: 483248700107



4 83248 70010 7

About the 10% Off:
 Expires March 25, 2023 to redeem online. Valid in US stores and at dsw.com for 10% off a purchase. Use offer code **EMCPTR10P2R4CD@#G** to redeem online. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward gift cards, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. Not valid at DSW Canada or www.dsw.ca. Other restrictions may apply. See store or dsw.com for exclusions and details. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoephoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com for help_customerservice@dsw.com for help.

Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floaters, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bogs, Born, @Zees, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:
 Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoephoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:
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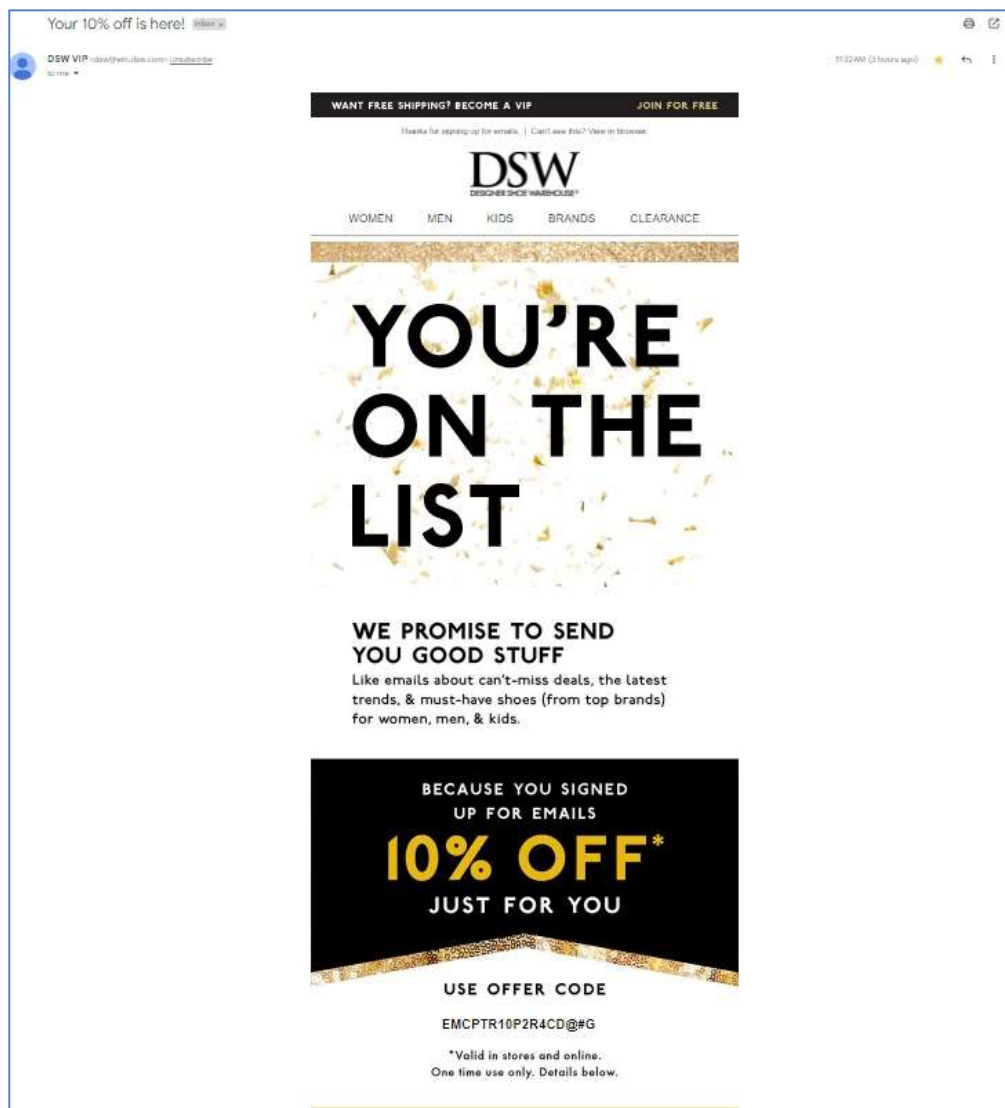
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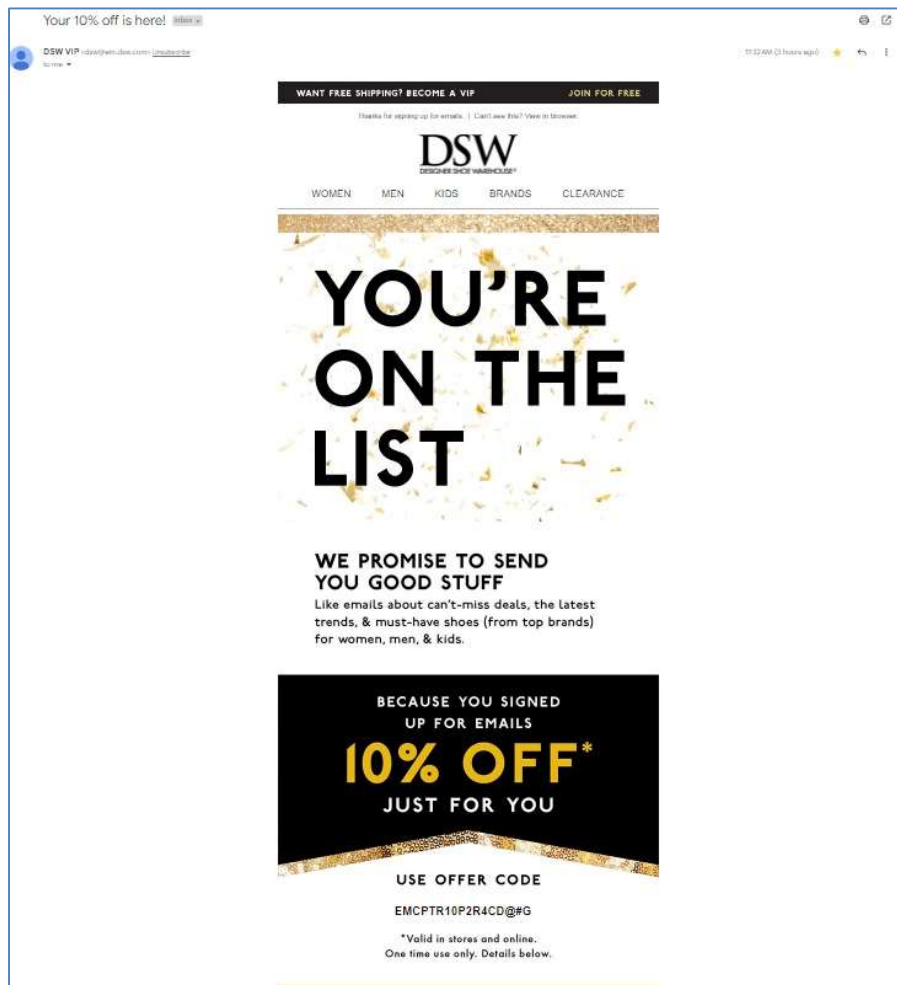
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99. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of generating an email campaign template related to at least one email target in the received email target database, wherein the step of generating an email campaign template related to at least one email target in the received email target database comprises the step of generating a configuration file to contain data related to each of the at least one email target, (e.g., images, links, and/or text relating to the intended recipient of the email) wherein the data is insertable in the generated message template.



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Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Sates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Fibafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony, See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bags, Born, BZeets, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Arliste by Spring Step, London Fog, Lucky Brand, MCQ, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patrizia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Softly, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:

Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeophoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:

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About 15% off for SMS Messaging:

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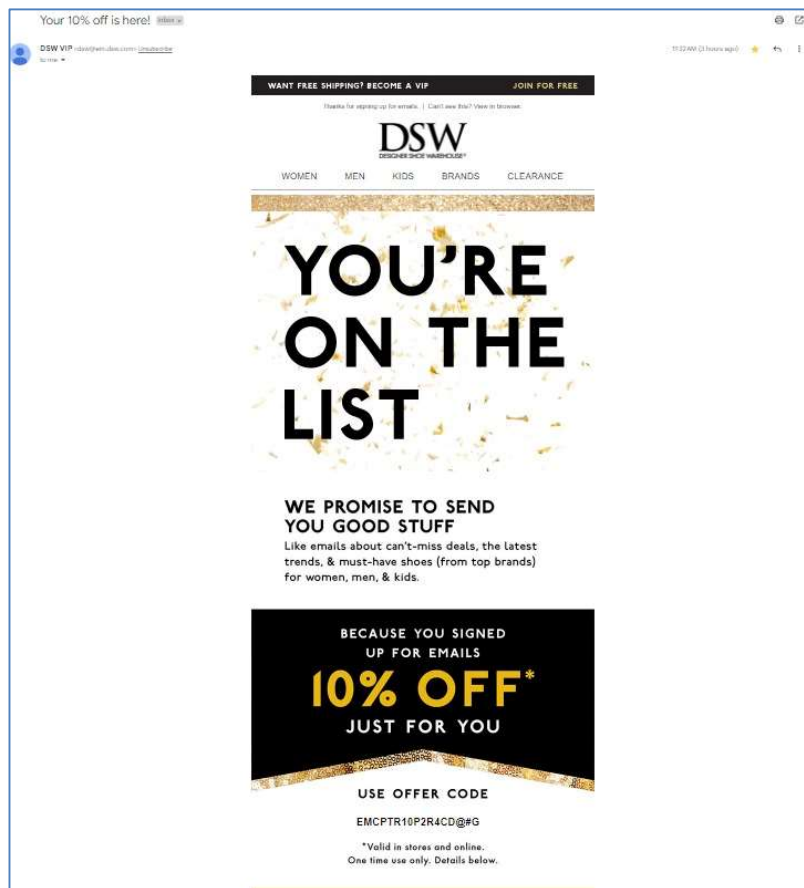
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100. See e.g., screenshots of personalized email received from the DSW email server. See also code excerpt from the same email:

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<br><img src=3D=22https://em=2Edsw=2Ecom/pub/as?_ri_=3DX0Gzc2X%3DAQpglLjHJl=
TQGx2b0LG9Kjm0EYrynW59qy6H7s0IkTwpzeGpcYBYgfIDk98JmPt9EEa0VXHkMX%3Dw&_ei_=
=3DEUlaGGF4SNMvxFF7KucKuWNASeYEWw4KOL6lhKw-yejzriJ14sfXg2GkhdMqE56Yw8_Lsq_o=
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<br><IMG SRC=3D=22https://tags=2Ebluekai=2Ecom/site/29601?e_id_s29601=3Dfcb=
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=3D3e8756c6fdff8201cdc11f07443aa756=22 HEIGHT=3D=221=22 WIDTH=3D=221=22>
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101. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of sending to each of the at least one email target a corresponding custom email, (e.g., the email reproduced below) wherein the custom email is formed from the email campaign template.



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102. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of tracking the custom email (e.g., through the code reproduced below) sent to each of the at least one email target.

DSW SHOE WAREHOUSE, INC. PRIVACY POLICY

DSW Shoe Warehouse, Inc. ("DSW") collects personal information to facilitate and enhance your shopping experience and for other purposes. This privacy policy ("Policy") describes how we collect, use, disclose, and safeguard personal information and how to exercise any privacy rights you may have with respect to your information. This Policy applies to the personal information we collect at any of our stores, on the phone, through our websites that link to this Policy, and through other means. It does not apply to personal information we collect in an employment context, including information we collect from job applicants and independent contractors. References to dsw.com or "Sites" refer generally to all of DSW's online services, including mobile applications. In this Policy, "we" and "our" mean DSW.

INFORMATION WE COLLECT

Personal Information

"Personal information" means information that identifies, relates to, or describes, directly or indirectly, a particular individual. We collect the following categories of personal information:

- **Identifiers.** We collect personal identifiers such as name, phone number, email address, billing address, shipping address, password, driver's license number, device id, and IP address. We will also create a client number when you make a purchase and a DSW VIP Rewards Number when you sign up to be a member.
- **Audio, electronic, and visual information.** We collect audio, electronic, and visual information such as the messages you submit through dsw.com, emails and texts you send us, messages to delivery recipients, delivery instructions, digital photos you submit through dsw.com, video footage and photographs of the public areas of stores, and call recordings.
- **Internet or other and network activity information.** We collect information such as IP address, browsing or search history, your interactions with our emails, and data collected through cookies and similar technologies.
- **Commercial information.** We collect and generate commercial information such as records of merchandise and services purchased, product interests, payment information (credit/debit card number, expiration date, and bank account information), and self-reported transactions such as the purchase of a new home.
- **Characteristics of protected classifications under California or federal law.** We collect information such as age (including date of birth), gender or gender identity, race, ethnicity, and religion. We may also collect information that indirectly reveals pregnancy status or sexual orientation, for example if you provide such details in connection with our Big Moments campaign.
- **Personal characteristics and demographic information.** We collect personal characteristics such as your footwear size, marital status, household income range, preferred language, and number and ages of children. If you are a VIP member and participate in our Big Moments program, we may also collect information related to milestones in your life, such as an engagement, wedding, or birth of a child.
- **Geolocation Information.** We collect mobile device identifiers and real-time precise geolocation information from mobile app users and visitors' devices in and around our stores.
- **Professional or employment-related information.** We may collect information such as your job title or promotion status, for example when you provide this information in connection with our Big Moments campaign.
- **Education information.** We collect information related to your education such as highest degree earned or information you provide in connection with our Big Moments campaign.
- **Medical or health information.** We collect this information only to the extent that you provide information to us that reveals a health or medical condition (e.g., you inform us you are pregnant in connection with our Big Moments program).

- Inferences from the information listed above. We use the information listed above to draw inferences about your preferences (such as your preferred brands and styles).
- Personal information as described in Cal. Civ. Code § 1798.80(e). We collect this information to the extent collected under another category of personal information above.

Some of the personal information listed above may be considered sensitive personal information under relevant privacy laws. This includes driver's license and other government identification card information, precise geolocation data, race, ethnicity, sexual orientation, medical or health information, and your VIP account login credentials. Each type of sensitive personal information may overlap with a category of personal information listed above.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on our Sites ("Usage Data"). For example, each time you use our Sites, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, the number of clicks to, from, and within our Sites, and the duration of your visits to our Sites. If we can reasonably associate this information with you, directly or indirectly, we treat it as personal information under the categories of Identifiers and Internet or other electronic network information, as appropriate. If we cannot reasonably associate this information with you, we treat it as Usage Data.

De-identified or Aggregated Information

We de-identify and/or aggregate data we receive and may use and disclose it for any business purpose. We will not re-identify previously de-identified data.

Recorded Communications

We may record calls and retain the content of chat transcripts, emails, text messages, and other written or electronic communications between you and us. By communicating with us, you consent to our recording and retention of these communications.

HOW WE COLLECT INFORMATION

From You

We collect the categories of personal information listed above directly from you through dsw.com (such as when you make a purchase and register for an account), during calls with you (such as when you contact customer service), during live chat (such as interacting with our online live chat tool), in our stores (such as when you interact with a salesperson or make a purchase), when you interact with our emails (such as when you respond to our surveys and open and interact with our emails), as you sign up for the DSW VIP Rewards Program ("Program") or manage your DSW Rewards Account and when you participate in surveys, product ratings and reviews, promotions, sweepstakes and contests. When you use our in-store wi-fi services, download and use our mobile application or operate your device near or in our stores, we obtain information from your device.

* * *

Through Cookies and Other Automated Tools

We and third parties use cookies (small text files placed on your computer to identify your computer and browser) and other automated tools to track your clicks and pass information as you navigate the Sites. We and third parties use the following types of cookies on the Sites:

- *Strictly Necessary:* These cookies are essential to operate the Sites.
- *Functional:* These cookies enable certain features or non-essential functionality on our Sites. For example, we might use these cookies to recognize you and remember your preferences or the items in your shopping bag when you return to our Sites. This helps us provide you with a more personalized experience.
- *Analytics:* These cookies help us and third parties understand how our Sites are working and who is visiting our Sites.
- *Advertising:* These cookies allow us and third parties to learn more about you, including your use of our Sites and other websites, and to advertise products or/services that might interest you as further indicated below.

We and third parties also use tools that enable us to track certain aspects of a user's visit to our Sites. These tools help us better manage content on our Sites by informing us what content is effective, how consumers engage with our Sites, and how users arrive at and/or depart from our Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers embedded in web pages and email messages that track whether a user has viewed a web page or email message. The software may also track user engagement with our Sites such as links and other content clicked on by the User. User activity information may be associated with additional information about a user's session and personal information, if provided by the user.

You can opt out of certain types of cookies and other tracking tools by managing your preferences [here](#).

If you arrive at our Sites by "clicking through" from another website, certain information about you that you provided to that other website, such as the terms you were searching on that led you to our Sites, may be transmitted to us and we may use it. You should review the privacy policy of any website from which you reached our Sites to determine what information that website collects and for what purpose(s) the website operators use that information. We may retain information about you provided to us by other websites and will use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or personal information.

See, e.g., <https://www.dsw.com/en/us/legal/privacy-policy>.

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Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bogs, Born, @Zees, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:

Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:

Available in select stores only. 2 hour pickup not available on all items. Please see dsw.com for full details.

About 15% off for SM\$ Messaging:

Opt-in to DSW SMS messages to receive offer. Valid for 15% off a qualifying purchase. Limit 1 per customer. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward alcohol, gift cards, select services, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered, or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. See store or dsw.com/exclusions for details. Not valid at DSW Canada, www.dsw.com, or www.dsw.ca. Other restrictions may apply. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeportal Center: 1.866.DSW.SHOES or customerservice@dsw.com for help.

About Afterpay:

Must be over 18, a resident of the U.S., and meet additional eligibility criteria to qualify. Late fees apply. Visit <https://www.dsw.com/en/us/afterpay-faq> for details.

About our prices:

Advertised prices may vary by location and are subject to change at any time without notice. Visit dsw.com or one of our stores for current pricing.

Our COMP. VALUE prices typically refer to the manufacturer's suggested retail price (MSRP). When an MSRP is not available, the COMP. VALUE price is our estimate of other retailers' ticketed prices for the same or similar items.

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DSW Designer Shoe Warehouse
810 DSW Drive | Columbus, Ohio 43219-1802 USA

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(1.866.379.7463).

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See e.g., screenshots of personalized email received from the DSW email server. See also code excerpt from the same email:

```
<br><img src=3D=22https://em=2Edsw=2Ecom/pub/as?_ri_=3DX0Gzc2X%3DAQpgLLjHJl=
TQGX2b0LG9Kjm0EYrynw59qy6H7s0IkTwpzeGpcYBYgfIDk98JmPt9EEa0VXHkMX%3Dw&_ei_=
=3DEUlaGGF4SNMvxFF7KucKuWNASeYEWw4KOL6lhKW-yejzriJ14sfXg2GkhdMqE56Yw8_Lsq_o=
5mLBlkTckte9p1ljFwdGvWw52djRaS7T7qvhJtk4_5ezeM=2E=22></img>
<br><IMG SRC=3D=22https://tags=2Ebluekai=2Ecom/site/29601?e_id_s29601=3Dfcb=
8a6c1960e5b2c539e7785608cf46e43fb72c133b5631134b75656718e0860&e_id_m29601=
=3D3e8756c6fdff8201cdc11f07443aa756=22 HEIGHT=3D=221=22 WIDTH=3D=221=22>
```

103. On information and belief, DSW directly infringed at least claim 1 of the '555 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

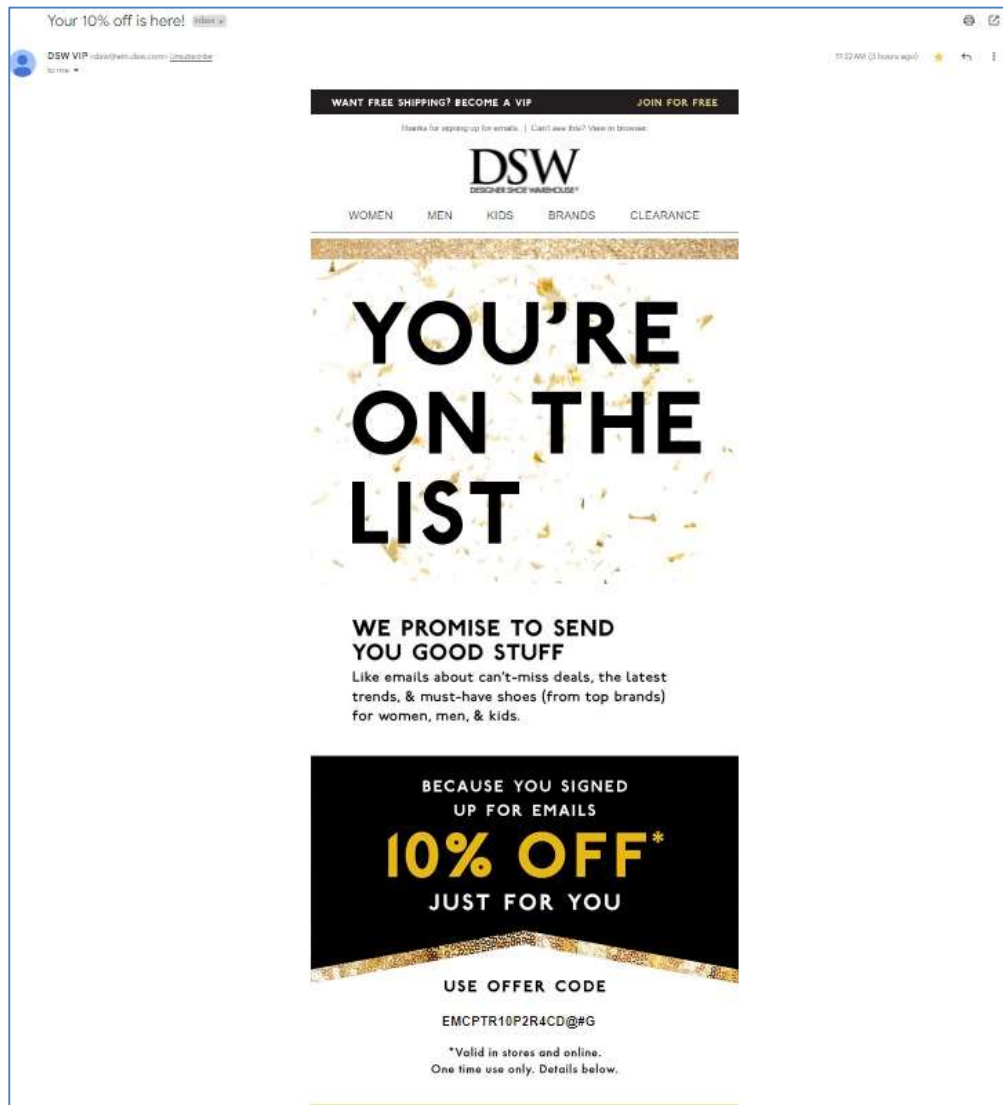
104. Advanced Transactions has been damaged by DSW's infringement and suffered damages as a result of this infringement.

Count II - Infringement of United States Patent No. 7,386,594


105. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

106. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringed (literally and/or under the doctrine of equivalents) at least claim 1 of the '594 patent.

107. On information and belief, one or more components of the DSW Marketing System, (e.g., DSW email servers), employs and provides a method for conducting an email campaign.



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Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Sates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Fibafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony, See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bags, Born, BZeets, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Arliste by Spring Step, London Fog, Lucky Brand, MCQ, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patrizia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Softl, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:
 Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeophoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

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 Opt-in to DSW SMS messages to receive offer. Valid for 15% off a qualifying purchase. Limit 1 per customer. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward alcohol, gift cards, select services, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered, or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. See store or dsw.com/exclusions for details. Not valid at DSW Canada, www.dsw.com, or www.dsw.ca. Other restrictions may apply. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeophoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com for help.

About Afterpay:
 Must be over 18, a resident of the U.S., and meet additional eligibility criteria to qualify. Late fees apply. Visit <https://www.dsw.com/en/us/afterpay-faq> for details.

About our prices:
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Our COMP. VALUE prices typically refer to the manufacturer's suggested retail price (MSRP). When an MSRP is not available, the COMP. VALUE price is our estimate of other retailers' ticketed prices for the same or similar items.

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See e.g., screenshots of personalized email received from the DSW email server.

DSW SHOE WAREHOUSE, INC. PRIVACY POLICY

DSW Shoe Warehouse, Inc. ("DSW") collects personal information to facilitate and enhance your shopping experience and for other purposes. This privacy policy ("Policy") describes how we collect, use, disclose, and safeguard personal information and how to exercise any privacy rights you may have with respect to your information. This Policy applies to the personal information we collect at any of our stores, on the phone, through our websites that link to this Policy, and through other means. It does not apply to personal information we collect in an employment context, including information we collect from job applicants and independent contractors. References to dsw.com or "Sites" refer generally to all of DSW's online services, including mobile applications. In this Policy, "we" and "our" mean DSW.

INFORMATION WE COLLECT

Personal Information

"Personal information" means information that identifies, relates to, or describes, directly or indirectly, a particular individual. We collect the following categories of personal information:

- **Identifiers.** We collect personal identifiers such as name, phone number, email address, billing address, shipping address, password, driver's license number, device id, and IP address. We will also create a client number when you make a purchase and a DSW VIP Rewards Number when you sign up to be a member.
- **Audio, electronic, and visual information.** We collect audio, electronic, and visual information such as the messages you submit through dsw.com, emails and texts you send us, messages to delivery recipients, delivery instructions, digital photos you submit through dsw.com, video footage and photographs of the public areas of stores, and call recordings.
- **Internet or other and network activity information.** We collect information such as IP address, browsing or search history, your interactions with our emails, and data collected through cookies and similar technologies.
- **Commercial information.** We collect and generate commercial information such as records of merchandise and services purchased, product interests, payment information (credit/debit card number, expiration date, and bank account information), and self-reported transactions such as the purchase of a new home.
- **Characteristics of protected classifications under California or federal law.** We collect information such as age (including date of birth), gender or gender identity, race, ethnicity, and religion. We may also collect information that indirectly reveals pregnancy status or sexual orientation, for example if you provide such details in connection with our Big Moments campaign.
- **Personal characteristics and demographic information.** We collect personal characteristics such as your footwear size, marital status, household income range, preferred language, and number and ages of children. If you are a VIP member and participate in our Big Moments program, we may also collect information related to milestones in your life, such as an engagement, wedding, or birth of a child.
- **Geolocation Information.** We collect mobile device identifiers and real-time precise geolocation information from mobile app users and visitors' devices in and around our stores.
- **Professional or employment-related information.** We may collect information such as your job title or promotion status, for example when you provide this information in connection with our Big Moments campaign.
- **Education information.** We collect information related to your education such as highest degree earned or information you provide in connection with our Big Moments campaign.
- **Medical or health information.** We collect this information only to the extent that you provide information to us that reveals a health or medical condition (e.g., you inform us you are pregnant in connection with our Big Moments program).

- Inferences from the information listed above. We use the information listed above to draw inferences about your preferences (such as your preferred brands and styles).
- Personal information as described in Cal. Civ. Code § 1798.80(e). We collect this information to the extent collected under another category of personal information above.

Some of the personal information listed above may be considered sensitive personal information under relevant privacy laws. This includes driver's license and other government identification card information, precise geolocation data, race, ethnicity, sexual orientation, medical or health information, and your VIP account login credentials. Each type of sensitive personal information may overlap with a category of personal information listed above.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on our Sites ("Usage Data"). For example, each time you use our Sites, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, the number of clicks to, from, and within our Sites, and the duration of your visits to our Sites. If we can reasonably associate this information with you, directly or indirectly, we treat it as personal information under the categories of Identifiers and Internet or other electronic network information, as appropriate. If we cannot reasonably associate this information with you, we treat it as Usage Data.

De-identified or Aggregated Information

We de-identify and/or aggregate data we receive and may use and disclose it for any business purpose. We will not re-identify previously de-identified data.

Recorded Communications

We may record calls and retain the content of chat transcripts, emails, text messages, and other written or electronic communications between you and us. By communicating with us, you consent to our recording and retention of these communications.

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* * *

Through Cookies and Other Automated Tools

We and third parties use cookies (small text files placed on your computer to identify your computer and browser) and other automated tools to track your clicks and pass information as you navigate the Sites. We and third parties use the following types of cookies on the Sites:

- *Strictly Necessary:* These cookies are essential to operate the Sites.
- *Functional:* These cookies enable certain features or non-essential functionality on our Sites. For example, we might use these cookies to recognize you and remember your preferences or the items in your shopping bag when you return to our Sites. This helps us provide you with a more personalized experience.
- *Analytics:* These cookies help us and third parties understand how our Sites are working and who is visiting our Sites.
- *Advertising:* These cookies allow us and third parties to learn more about you, including your use of our Sites and other websites, and to advertise products or/services that might interest you as further indicated below.

We and third parties also use tools that enable us to track certain aspects of a user's visit to our Sites. These tools help us better manage content on our Sites by informing us what content is effective, how consumers engage with our Sites, and how users arrive at and/or depart from our Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers embedded in web pages and email messages that track whether a user has viewed a web page or email message. The software may also track user engagement with our Sites such as links and other content clicked on by the User. User activity information may be associated with additional information about a user's session and personal information, if provided by the user.

You can opt out of certain types of cookies and other tracking tools by managing your preferences [here](#).

If you arrive at our Sites by "clicking through" from another website, certain information about you that you provided to that other website, such as the terms you were searching on that led you to our Sites, may be transmitted to us and we may use it. You should review the privacy policy of any website from which you reached our Sites to determine what information that website collects and for what purpose(s) the website operators use that information. We may retain information about you provided to us by other websites and will use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or personal information.

See, e.g., <https://www.dsw.com/en/us/legal/privacy-policy/>.

108. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of receiving an email target database.

BECOME A MEMBER

First Name

Last Name

That email address is invalid. Please make sure the format is correct (abc@xyz.com) and try again.

Email

I'd like to receive special email offers and promotions

Password

..... [Show](#)

Password must be at least 6 characters long and include at least 2 of the following: a number, an uppercase/lowercase letter and/or one of these special characters ! # \$ % & @ ? % _ -

Address Apt./Bldg./Suite (Optional)

City Please choose a State Zip code

State

OPTIONAL INFORMATION

BIRTHDAY

Month Day Gender

Mobile Phone

By creating an account, I agree to the [VIP Program Terms](#) and DSW's [Privacy Policy](#).

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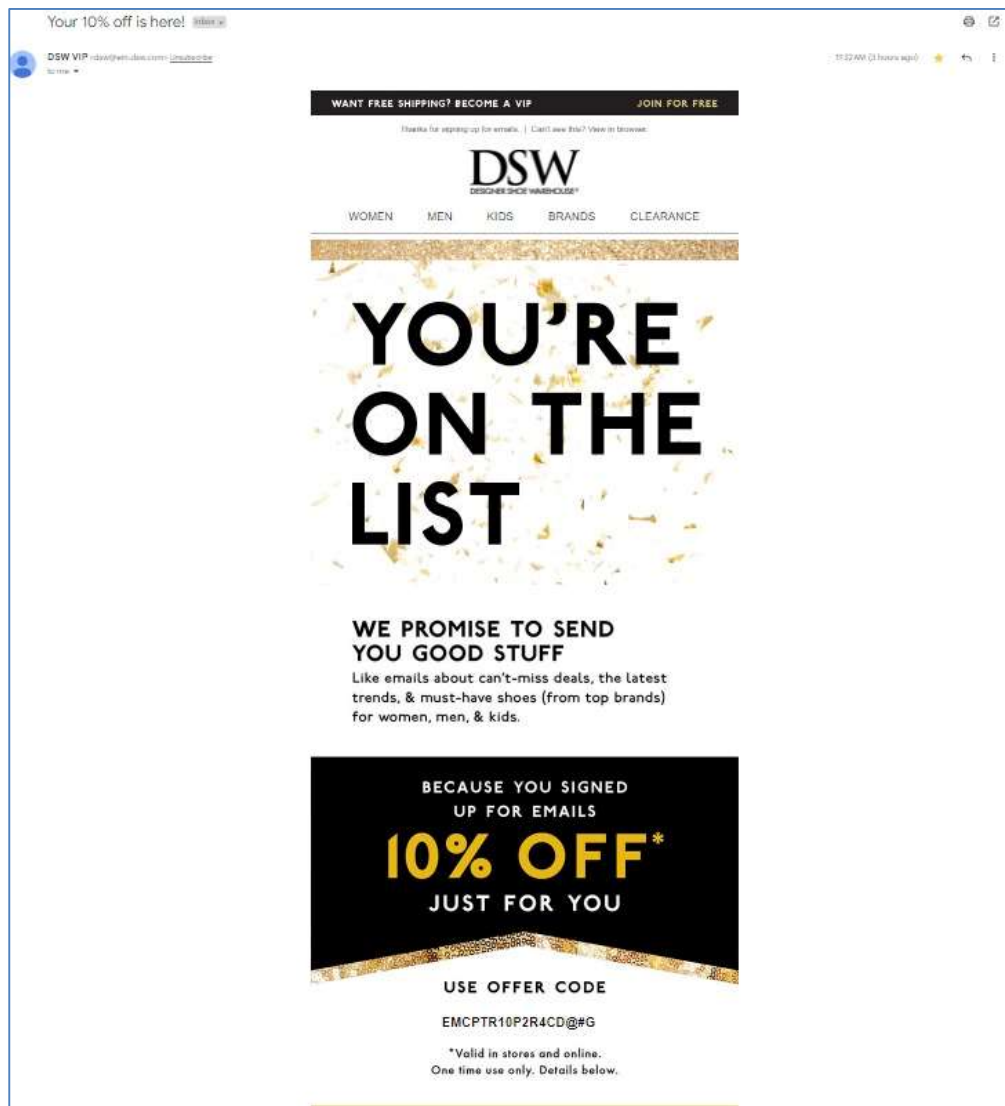
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109. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of generating an email campaign template (e.g., the template used to generate the email reproduced below) related to at least one email target in the received email target database.



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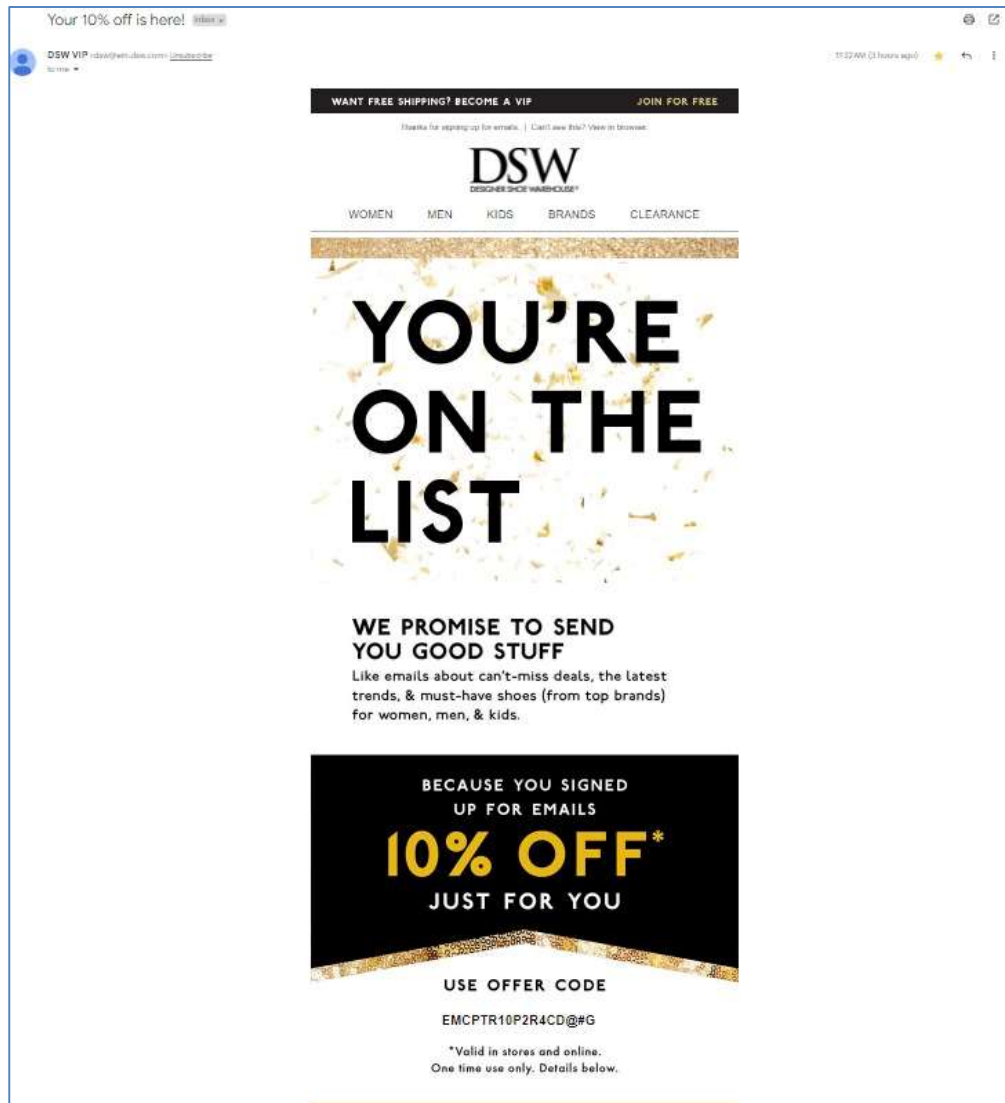
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111. On information and belief, one or more components of the DSW Marketing System employs and provides a method for conducting an email campaign, comprising the step of generating an email campaign template related to at least one email target in the received email target database, wherein the step of generating an email campaign template related to at least one email target in the received email target database comprises the step of generating a configuration file to contain data related to each of the at least one email target, wherein the data is insertable in the generated message template.

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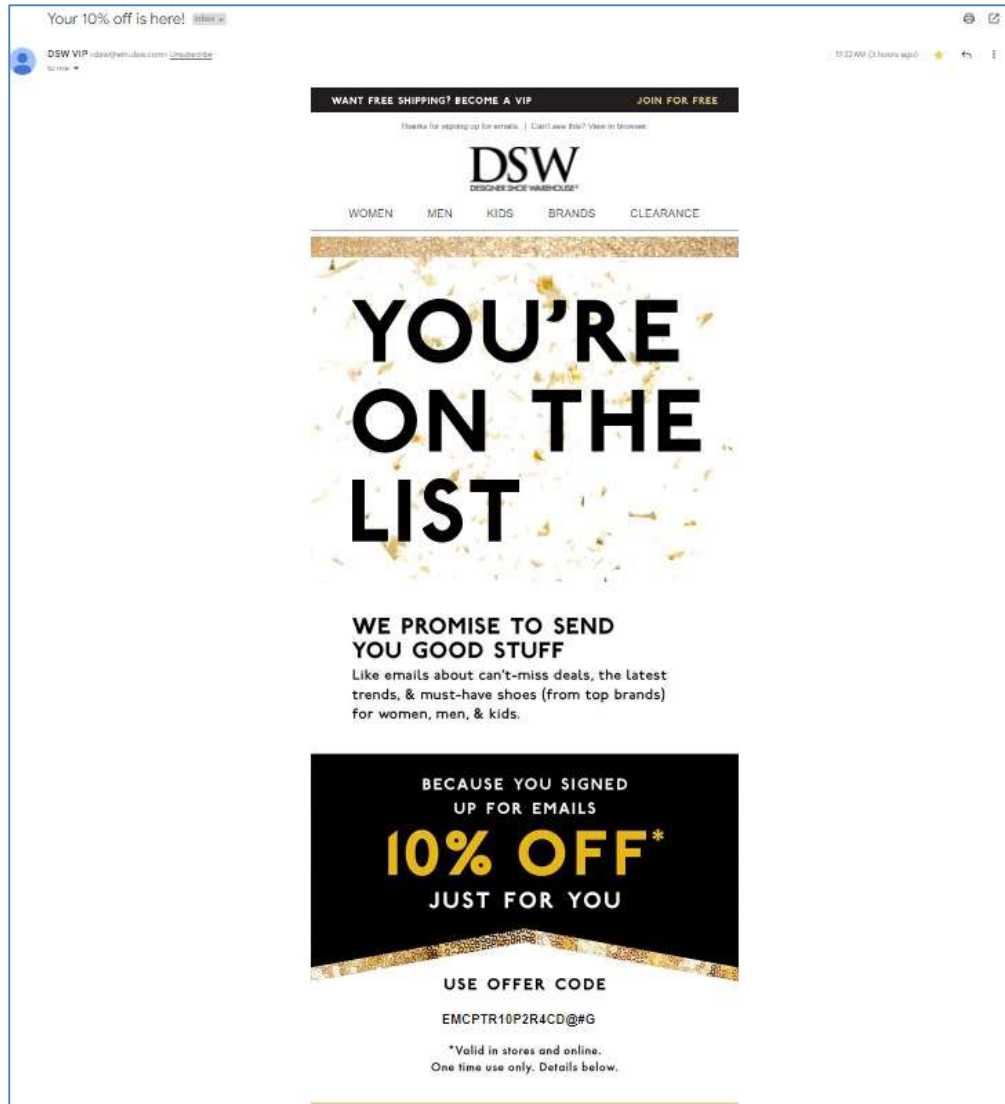
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See e.g., screenshots of personalized email received from the DSW email server.

113. On information and belief, DSW directly infringed at least claim 1 of the '594 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

114. Advanced Transactions has been damaged by DSW's infringement and suffered damages as a result of this infringement.

Count III - Infringement of United States Patent No. 7,693,950

115. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

116. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringed (literally and/or under the doctrine of equivalents) at least claim 21 of the '950 patent.

117. On information and belief, one or more components of the DSW Marketing System (e.g., DSW email servers) employs and provides a method for producing a custom email template.

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11:22 AM (3 hours ago)

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Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bogs, Born, @Zees, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

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 Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoephoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

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DSW SHOE WAREHOUSE, INC. PRIVACY POLICY

DSW Shoe Warehouse, Inc. ("DSW") collects personal information to facilitate and enhance your shopping experience and for other purposes. This privacy policy ("Policy") describes how we collect, use, disclose, and safeguard personal information and how to exercise any privacy rights you may have with respect to your information. This Policy applies to the personal information we collect at any of our stores, on the phone, through our websites that link to this Policy, and through other means. It does not apply to personal information we collect in an employment context, including information we collect from job applicants and independent contractors. References to dsw.com or "Sites" refer generally to all of DSW's online services, including mobile applications. In this Policy, "we" and "our" mean DSW.

INFORMATION WE COLLECT

Personal Information

"Personal information" means information that identifies, relates to, or describes, directly or indirectly, a particular individual. We collect the following categories of personal information:

- **Identifiers.** We collect personal identifiers such as name, phone number, email address, billing address, shipping address, password, driver's license number, device id, and IP address. We will also create a client number when you make a purchase and a DSW VIP Rewards Number when you sign up to be a member.
- **Audio, electronic, and visual information.** We collect audio, electronic, and visual information such as the messages you submit through dsw.com, emails and texts you send us, messages to delivery recipients, delivery instructions, digital photos you submit through dsw.com, video footage and photographs of the public areas of stores, and call recordings.
- **Internet or other and network activity information.** We collect information such as IP address, browsing or search history, your interactions with our emails, and data collected through cookies and similar technologies.
- **Commercial information.** We collect and generate commercial information such as records of merchandise and services purchased, product interests, payment information (credit/debit card number, expiration date, and bank account information), and self-reported transactions such as the purchase of a new home.
- **Characteristics of protected classifications under California or federal law.** We collect information such as age (including date of birth), gender or gender identity, race, ethnicity, and religion. We may also collect information that indirectly reveals pregnancy status or sexual orientation, for example if you provide such details in connection with our Big Moments campaign.
- **Personal characteristics and demographic information.** We collect personal characteristics such as your footwear size, marital status, household income range, preferred language, and number and ages of children. If you are a VIP member and participate in our Big Moments program, we may also collect information related to milestones in your life, such as an engagement, wedding, or birth of a child.
- **Geolocation Information.** We collect mobile device identifiers and real-time precise geolocation information from mobile app users and visitors' devices in and around our stores.
- **Professional or employment-related information.** We may collect information such as your job title or promotion status, for example when you provide this information in connection with our Big Moments campaign.
- **Education information.** We collect information related to your education such as highest degree earned or information you provide in connection with our Big Moments campaign.
- **Medical or health information.** We collect this information only to the extent that you provide information to us that reveals a health or medical condition (e.g., you inform us you are pregnant in connection with our Big Moments program).

- Inferences from the information listed above. We use the information listed above to draw inferences about your preferences (such as your preferred brands and styles).
- Personal information as described in Cal. Civ. Code § 1798.80(e). We collect this information to the extent collected under another category of personal information above.

Some of the personal information listed above may be considered sensitive personal information under relevant privacy laws. This includes driver's license and other government identification card information, precise geolocation data, race, ethnicity, sexual orientation, medical or health information, and your VIP account login credentials. Each type of sensitive personal information may overlap with a category of personal information listed above.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on our Sites ("Usage Data"). For example, each time you use our Sites, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, the number of clicks to, from, and within our Sites, and the duration of your visits to our Sites. If we can reasonably associate this information with you, directly or indirectly, we treat it as personal information under the categories of Identifiers and Internet or other electronic network information, as appropriate. If we cannot reasonably associate this information with you, we treat it as Usage Data.

De-identified or Aggregated Information

We de-identify and/or aggregate data we receive and may use and disclose it for any business purpose. We will not re-identify previously de-identified data.

Recorded Communications

We may record calls and retain the content of chat transcripts, emails, text messages, and other written or electronic communications between you and us. By communicating with us, you consent to our recording and retention of these communications.

HOW WE COLLECT INFORMATION

From You

We collect the categories of personal information listed above directly from you through dsw.com (such as when you make a purchase and register for an account), during calls with you (such as when you contact customer service), during live chat (such as interacting with our online live chat tool), in our stores (such as when you interact with a salesperson or make a purchase), when you interact with our emails (such as when you respond to our surveys and open and interact with our emails), as you sign up for the DSW VIP Rewards Program ("Program") or manage your DSW Rewards Account and when you participate in surveys, product ratings and reviews, promotions, sweepstakes and contests. When you use our in-store wi-fi services, download and use our mobile application or operate your device near or in our stores, we obtain information from your device.

* * *

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We and third parties use cookies (small text files placed on your computer to identify your computer and browser) and other automated tools to track your clicks and pass information as you navigate the Sites. We and third parties use the following types of cookies on the Sites:

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- *Functional:* These cookies enable certain features or non-essential functionality on our Sites. For example, we might use these cookies to recognize you and remember your preferences or the items in your shopping bag when you return to our Sites. This helps us provide you with a more personalized experience.
- *Analytics:* These cookies help us and third parties understand how our Sites are working and who is visiting our Sites.
- *Advertising:* These cookies allow us and third parties to learn more about you, including your use of our Sites and other websites, and to advertise products or/services that might interest you as further indicated below.

We and third parties also use tools that enable us to track certain aspects of a user's visit to our Sites. These tools help us better manage content on our Sites by informing us what content is effective, how consumers engage with our Sites, and how users arrive at and/or depart from our Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers embedded in web pages and email messages that track whether a user has viewed a web page or email message. The software may also track user engagement with our Sites such as links and other content clicked on by the User. User activity information may be associated with additional information about a user's session and personal information, if provided by the user.

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If you arrive at our Sites by "clicking through" from another website, certain information about you that you provided to that other website, such as the terms you were searching on that led you to our Sites, may be transmitted to us and we may use it. You should review the privacy policy of any website from which you reached our Sites to determine what information that website collects and for what purpose(s) the website operators use that information. We may retain information about you provided to us by other websites and will use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or personal information.

See, e.g., <https://www.dsw.com/en/us/legal/privacy-policy>.

118. On information and belief, one or more components of the DSW Marketing System (e.g., DSW email servers) employs and provides a method for producing a custom email template comprising the step of receiving, at the computing device, email addresses for a plurality of target recipients of custom email messages.

BECOME A MEMBER

First Name

Last Name

That email address is invalid. Please make sure the format is correct (abc@xyz.com) and try again.

Email

I'd like to receive special email offers and promotions

Password

..... [Show](#)

Password must be at least 6 characters long and include at least 2 of the following: a number, an uppercase/lowercase letter and/or one of these special characters ! # \$ % & @ ? % _ -

Address Apt./Bldg./Suite (Optional)

City Please choose a State Zip code

State

OPTIONAL INFORMATION

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Month Day Gender

Mobile Phone

By creating an account, I agree to the [VIP Program Terms](#) and DSW's [Privacy Policy](#).

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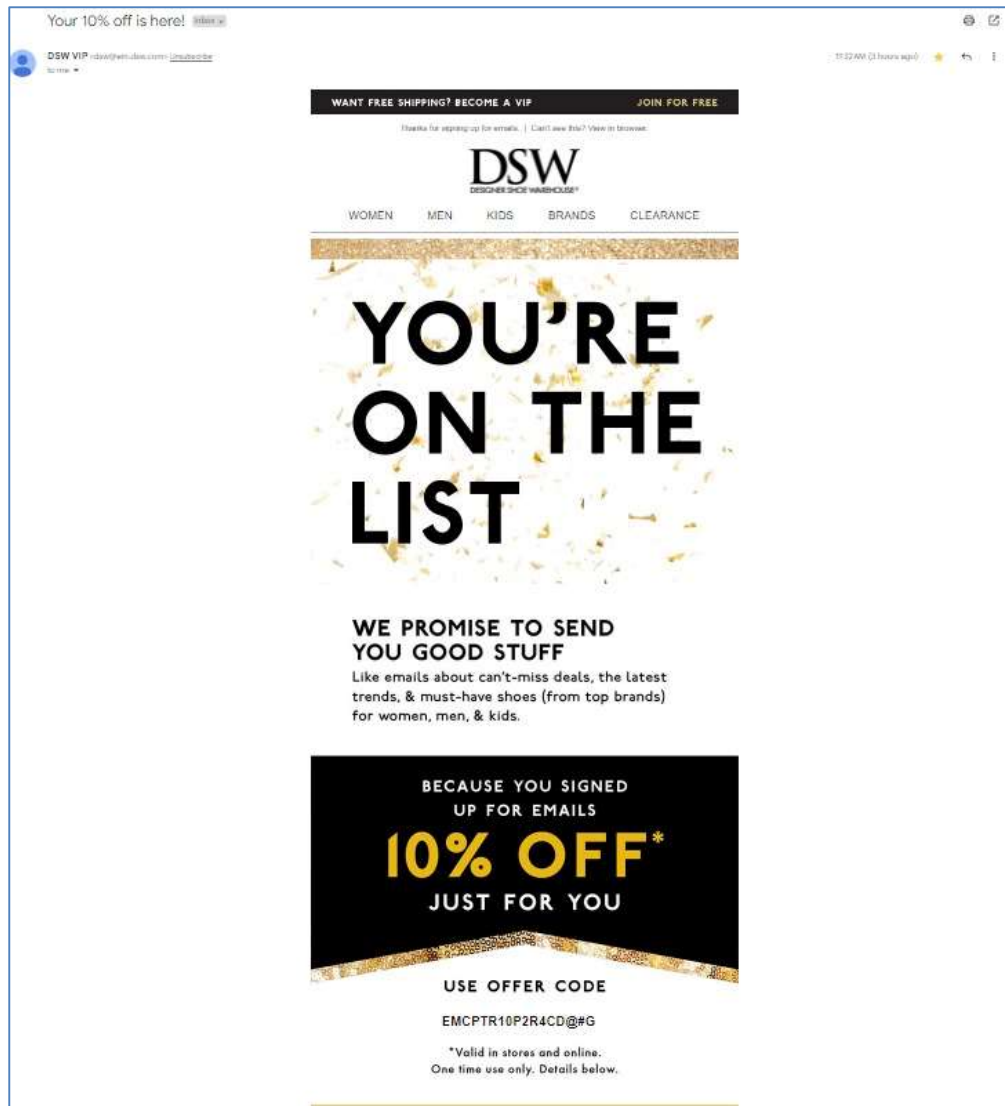
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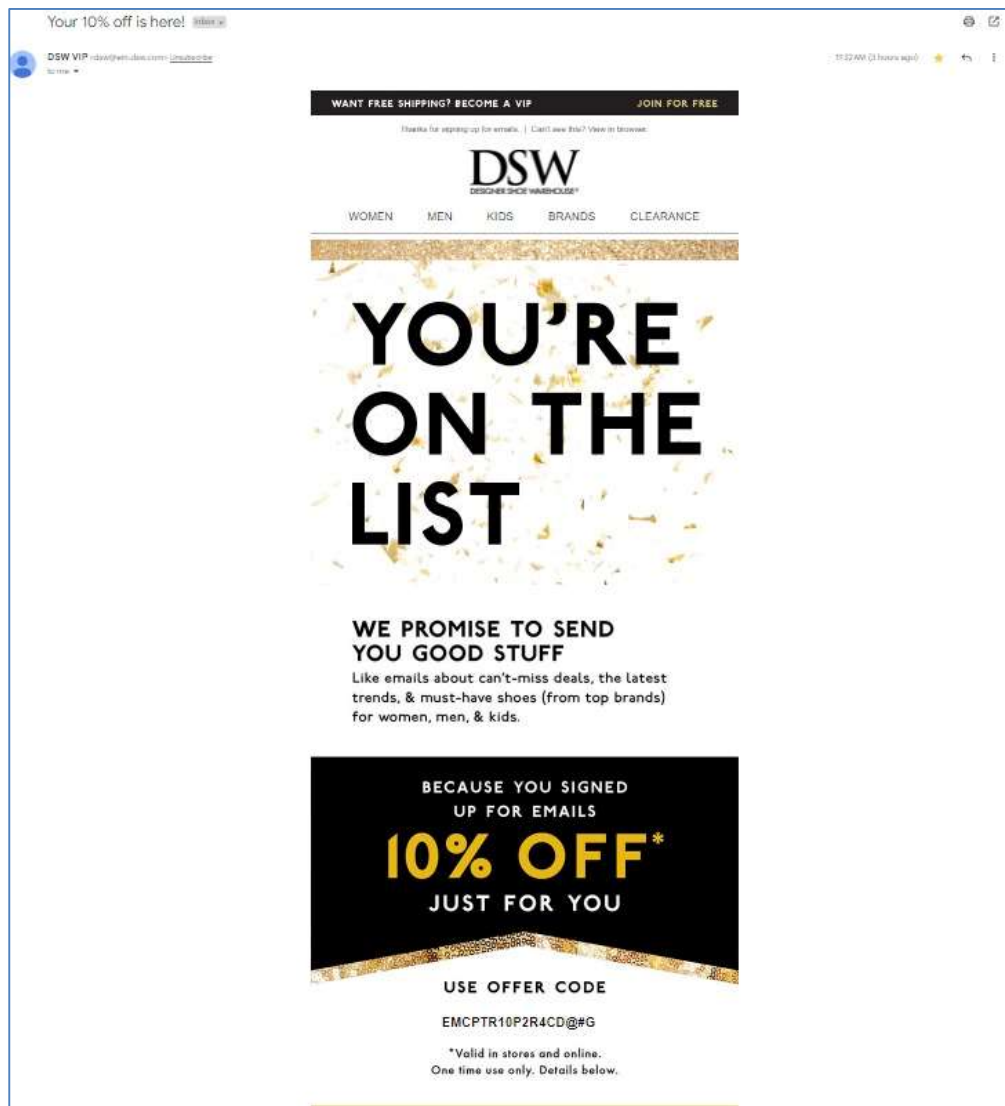
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Expires March 25, 2023 to redeem online. Valid in US stores and at dsw.com for 10% off a purchase. Use offer code **EMCPTR10P2R4CD@#G** to redeem online. One-time use. May be combined with VIP benefits and gift-with-purchase offers; may not be combined with any other offers. Not valid toward gift cards, past purchases, shipping, delivery, or tax. No cash back. Value may be reused on a same-day exchange only. Void if copied, scanned, altered or transferred. Cannot be replaced if lost, stolen, or damaged. Brand exclusions apply. Not valid at DSW Canada or www.dsw.ca. Other restrictions may apply. See store or dsw.com for exclusions and details. Subject to full terms of use at dsw.com/en/us/legal/web-terms. Terms subject to change without prior notice. Contact shoeophoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com for help.customerservice@dsw.com for help.

Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Sates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Fibafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony, See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandolino, Bearpaw, Bernado, Bionica, Body Glove, Bags, Born, BZeets, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Arliste by Spring Step, London Fog, Lucky Brand, MCQ, Merrell, Naturalizer, Nunn Bush, Papilio, Papilio by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Softly, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vince, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:

Only at dsw.com. VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoeophoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

About in-store pickup:

Available in select stores only. 2 hour pickup not available on all items. Please see dsw.com for full details.

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810 DSW Drive | Columbus, Ohio 43219-1802 USA

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For help, email service@dsw.com or call
1.866.DSW.SHOES
(1.866.379.7463).

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jsmith2345678910@gmail.com

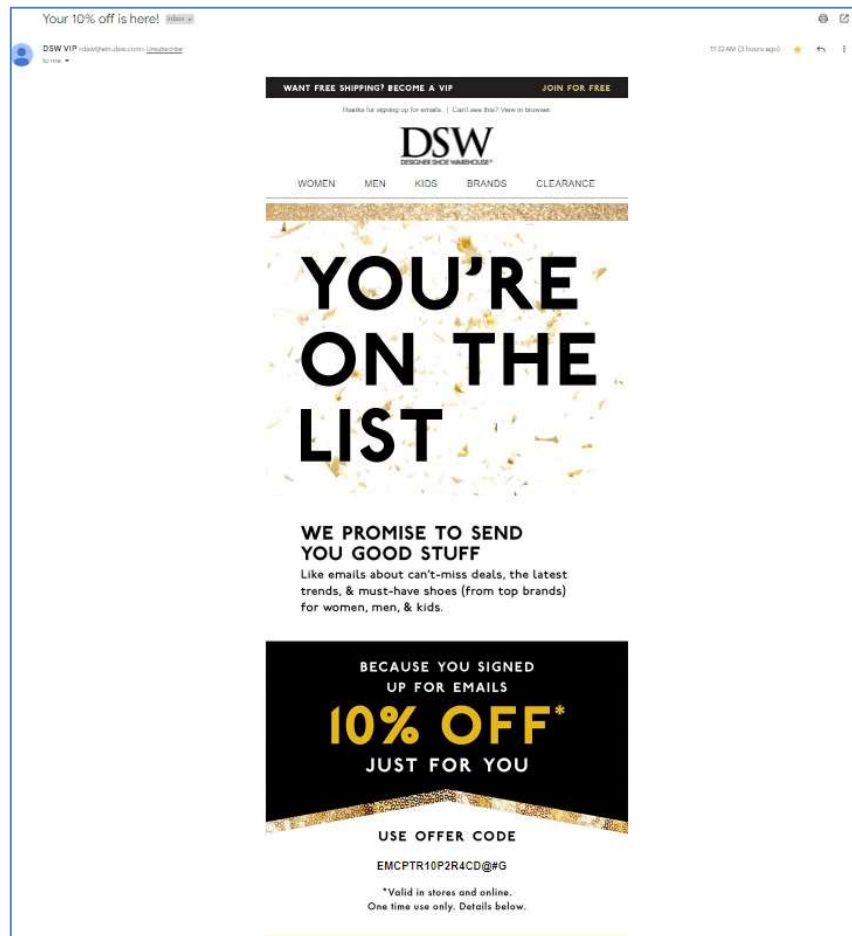
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See e.g., screenshots of personalized email received from the DSW email server. See also code excerpt from the same email:

```
<br><img src=3D=22https://em=2Edsw=2Ecom/pub/as?_ri_=3DX0Gzc2X%3DAQpglLjHJl=
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<br><IMG SRC=3D=22https://tags=2Ebluekai=2Ecom/site/29601?e_id_s29601=3Dfcb=
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=3D3e8756c6fdff8201cdc11f07443aa756=22 HEIGHT=3D=221=22 WIDTH=3D=221=22>
```

121. On information and belief, one or more components of the DSW Marketing System (e.g., DSW email servers) employs and provides a method for producing a custom email template comprising of the step wherein the message file includes a textual message for each of the custom email messages.



10% OFF

BARCODE: 483248700107

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Additional details: Excludes 4EurSole, Aetrex, Alegria, Alexander McQueen, Bates, Birkenstock, Bottega Veneta, Brooks, Carhartt, Caterpillar, Columbia, Converse, Dr. Martens, Dr. Scholl's Original Collection, Durango, Floafers, Florsheim, Florsheim Work, Georgia Boot, Gravity Defyer, Gucci, Harley-Davidson, Hey Dude, HUNTER, Kodiak, Koolaburra by UGG, Lauren Ralph Lauren, Michael Michael Kors, New Balance, Off White, ON, OOFOS, Rainbow, Reebok Work, Rockport Works, Rocky, Salvatore Ferragamo, Saucony. See by Chloe, Soft Style, Sorel, Stuart Weitzman, TACKMA, Timberland, Tod's, Traq by Alegria, UGG, Vionic, and Wolverine products, plus select ASICS, Azura, Bandalino, Bearpaw, Bernardo, Bionica, Body Glove, Bogs, Born, BZeas, Chaco, Cobian, Cole Haan, Comfortiva, Crocs, Danner, Dockers, Dolce Vita, Dr. Scholl's, Easy Street, Flexus by Spring Step, Franco Sarto, Grabbers, Grasshoppers, H.H Brown, Iron Age, Jessica Simpson, Kamik, Keds, Keen, Klogs, Kork-Ease, K-Swiss, L'Artiste by Spring Step, London Fog, Lucky Brand, MCO, Merrell, Naturalizer, Nunn Bush, Papillio, Papilko by Birkenstock, Patricia by Spring Step, Pendleton, Reebok, Reef, Rockport, Roxy, Ryka, Salomon, Sam Edelman, Sanuk, Skechers, Skechers Work, Soffi, Sperry, Sperry Top-Sider, Spring Step, Stacy Adams, Steve Madden, Steve Madden Mens, Teva, Timberland Pro, UGG Australia, Under Armour, Vinca, and Vince Camuto styles. Exclusions subject to change.

About the free shipping:

Only at [dsw.com](https://www.dsw.com). VIP members receive free standard shipping on any order. Offer excludes gift cards. Valid only for online orders shipped inside the U.S. Not valid for cash or cash equivalent or toward previous purchases. Offer will be applied in the form of a credit toward the shipping and handling fee. Not valid at any DSW Canada store or at www.dswcanada.ca. For help, contact shoephoria! Center: 1.866.DSW.SHOES or customerservice@dsw.com.

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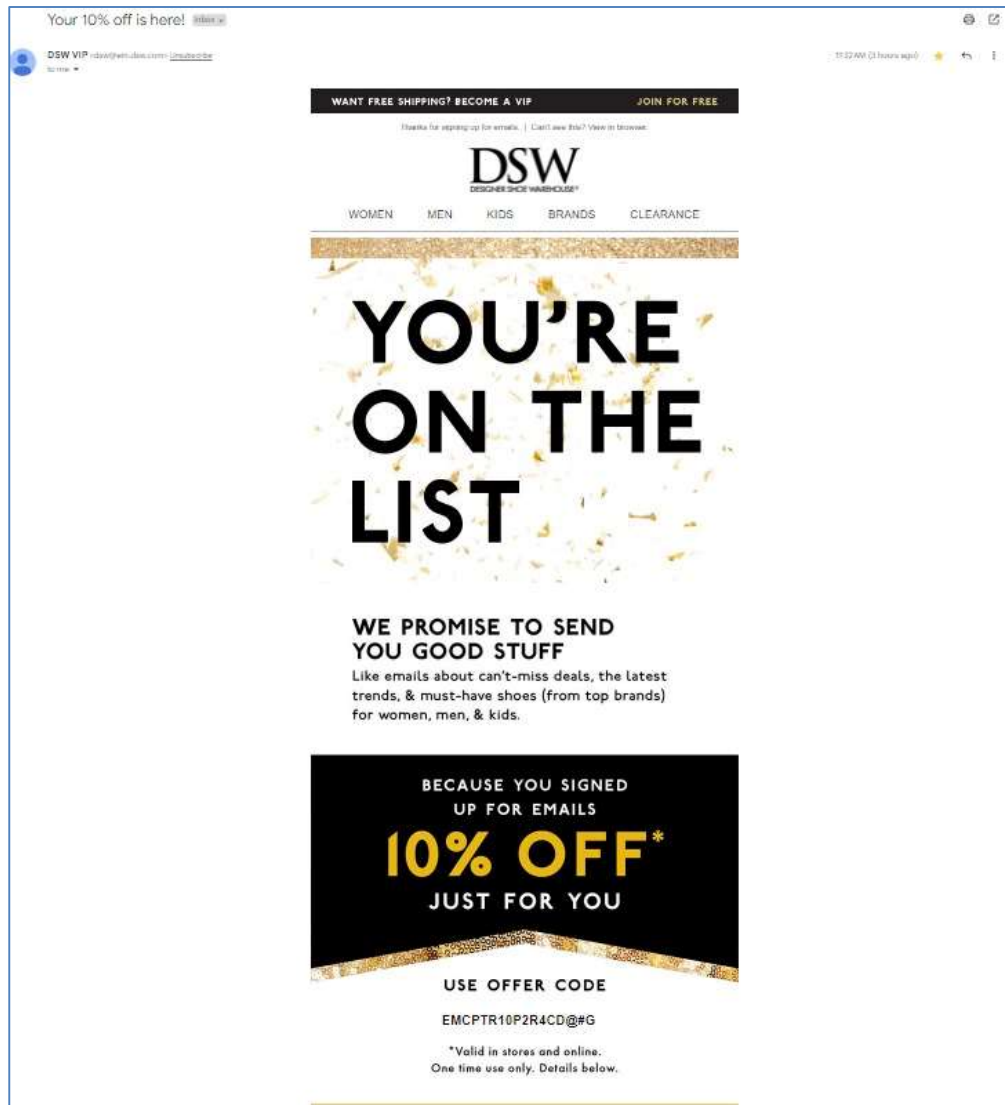
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See e.g., screenshots of personalized email received from the DSW email server.

122. On information and belief, one or more components of the DSW Marketing System (e.g., DSW email servers) employs and provides a method for producing a custom email template comprising the step wherein the message file includes a plurality of custom tags configured to receive, for each target recipient, the data related to the target recipient and an executable link configured to receive the custom uniform resource locator unique to the target recipient.



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See e.g., screenshots of personalized email received from the DSW email server.

DSW SHOE WAREHOUSE, INC. PRIVACY POLICY

DSW Shoe Warehouse, Inc. ("DSW") collects personal information to facilitate and enhance your shopping experience and for other purposes. This privacy policy ("Policy") describes how we collect, use, disclose, and safeguard personal information and how to exercise any privacy rights you may have with respect to your information. This Policy applies to the personal information we collect at any of our stores, on the phone, through our websites that link to this Policy, and through other means. It does not apply to personal information we collect in an employment context, including information we collect from job applicants and independent contractors. References to dsw.com or "Sites" refer generally to all of DSW's online services, including mobile applications. In this Policy, "we" and "our" mean DSW.

INFORMATION WE COLLECT

Personal Information

"Personal information" means information that identifies, relates to, or describes, directly or indirectly, a particular individual. We collect the following categories of personal information:

- **Identifiers.** We collect personal identifiers such as name, phone number, email address, billing address, shipping address, password, driver's license number, device id, and IP address. We will also create a client number when you make a purchase and a DSW VIP Rewards Number when you sign up to be a member.
- **Audio, electronic, and visual information.** We collect audio, electronic, and visual information such as the messages you submit through dsw.com, emails and texts you send us, messages to delivery recipients, delivery instructions, digital photos you submit through dsw.com, video footage and photographs of the public areas of stores, and call recordings.
- **Internet or other and network activity information.** We collect information such as IP address, browsing or search history, your interactions with our emails, and data collected through cookies and similar technologies.
- **Commercial information.** We collect and generate commercial information such as records of merchandise and services purchased, product interests, payment information (credit/debit card number, expiration date, and bank account information), and self-reported transactions such as the purchase of a new home.
- **Characteristics of protected classifications under California or federal law.** We collect information such as age (including date of birth), gender or gender identity, race, ethnicity, and religion. We may also collect information that indirectly reveals pregnancy status or sexual orientation, for example if you provide such details in connection with our Big Moments campaign.
- **Personal characteristics and demographic information.** We collect personal characteristics such as your footwear size, marital status, household income range, preferred language, and number and ages of children. If you are a VIP member and participate in our Big Moments program, we may also collect information related to milestones in your life, such as an engagement, wedding, or birth of a child.
- **Geolocation Information.** We collect mobile device identifiers and real-time precise geolocation information from mobile app users and visitors' devices in and around our stores.
- **Professional or employment-related information.** We may collect information such as your job title or promotion status, for example when you provide this information in connection with our Big Moments campaign.
- **Education information.** We collect information related to your education such as highest degree earned or information you provide in connection with our Big Moments campaign.
- **Medical or health information.** We collect this information only to the extent that you provide information to us that reveals a health or medical condition (e.g., you inform us you are pregnant in connection with our Big Moments program).

- Inferences from the information listed above. We use the information listed above to draw inferences about your preferences (such as your preferred brands and styles).
- Personal information as described in Cal. Civ. Code § 1798.80(e). We collect this information to the extent collected under another category of personal information above.

Some of the personal information listed above may be considered sensitive personal information under relevant privacy laws. This includes driver's license and other government identification card information, precise geolocation data, race, ethnicity, sexual orientation, medical or health information, and your VIP account login credentials. Each type of sensitive personal information may overlap with a category of personal information listed above.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on our Sites ("Usage Data"). For example, each time you use our Sites, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, the number of clicks to, from, and within our Sites, and the duration of your visits to our Sites. If we can reasonably associate this information with you, directly or indirectly, we treat it as personal information under the categories of Identifiers and Internet or other electronic network information, as appropriate. If we cannot reasonably associate this information with you, we treat it as Usage Data.

De-identified or Aggregated Information

We de-identify and/or aggregate data we receive and may use and disclose it for any business purpose. We will not re-identify previously de-identified data.

Recorded Communications

We may record calls and retain the content of chat transcripts, emails, text messages, and other written or electronic communications between you and us. By communicating with us, you consent to our recording and retention of these communications.

HOW WE COLLECT INFORMATION

From You

We collect the categories of personal information listed above directly from you through dsw.com (such as when you make a purchase and register for an account), during calls with you (such as when you contact customer service), during live chat (such as interacting with our online live chat tool), in our stores (such as when you interact with a salesperson or make a purchase), when you interact with our emails (such as when you respond to our surveys and open and interact with our emails), as you sign up for the DSW VIP Rewards Program ("Program") or manage your DSW Rewards Account and when you participate in surveys, product ratings and reviews, promotions, sweepstakes and contests. When you use our in-store wi-fi services, download and use our mobile application or operate your device near or in our stores, we obtain information from your device.

* * *

Through Cookies and Other Automated Tools

We and third parties use cookies (small text files placed on your computer to identify your computer and browser) and other automated tools to track your clicks and pass information as you navigate the Sites. We and third parties use the following types of cookies on the Sites:

- *Strictly Necessary:* These cookies are essential to operate the Sites.
- *Functional:* These cookies enable certain features or non-essential functionality on our Sites. For example, we might use these cookies to recognize you and remember your preferences or the items in your shopping bag when you return to our Sites. This helps us provide you with a more personalized experience.
- *Analytics:* These cookies help us and third parties understand how our Sites are working and who is visiting our Sites.
- *Advertising:* These cookies allow us and third parties to learn more about you, including your use of our Sites and other websites, and to advertise products or/services that might interest you as further indicated below.

We and third parties also use tools that enable us to track certain aspects of a user's visit to our Sites. These tools help us better manage content on our Sites by informing us what content is effective, how consumers engage with our Sites, and how users arrive at and/or depart from our Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers embedded in web pages and email messages that track whether a user has viewed a web page or email message. The software may also track user engagement with our Sites such as links and other content clicked on by the User. User activity information may be associated with additional information about a user's session and personal information, if provided by the user.

You can opt out of certain types of cookies and other tracking tools by managing your preferences [here](#).

If you arrive at our Sites by "clicking through" from another website, certain information about you that you provided to that other website, such as the terms you were searching on that led you to our Sites, may be transmitted to us and we may use it. You should review the privacy policy of any website from which you reached our Sites to determine what information that website collects and for what purpose(s) the website operators use that information. We may retain information about you provided to us by other websites and will use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or personal information.

See, e.g., <https://www.dsw.com/en/us/legal/privacy-policy>.

123. On information and belief, DSW directly infringed at least claim 21 of the '950 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

124. Advanced Transactions has been damaged by DSW's infringement and suffered damages as a result of this infringement.

Count IV - Infringement of United States Patent No. 7,979,057

125. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

126. On information and belief, DSW (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the DSW Marketing Products, and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the DSW Marketing System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claim 1 of the '057 patent.

127. On information and belief, one or more components of the DSW Marketing System employs and provides a method for processing negotiable economic credits, (*e.g.*, DSW Coupons, DSW Rewards, DSW Payment Wallet, DSW Gift Cards, *etc.*) through a wireless hand held device, (*e.g.*, a smart phone with the DSW App installed).



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

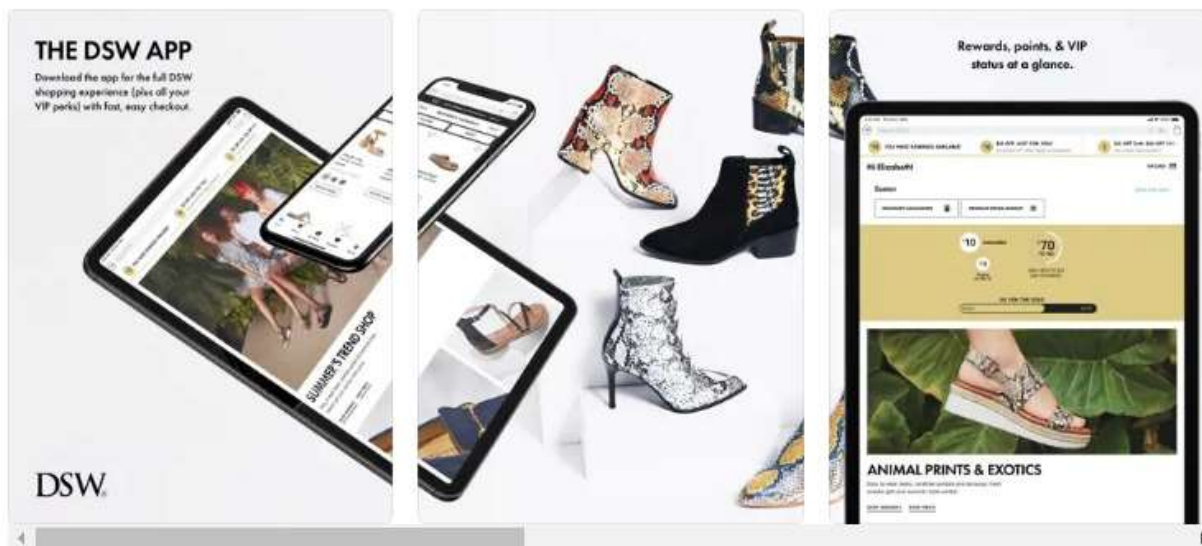
Designed for iPad

#125 in Shopping

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DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW Designer Shoe Warehouse app for:

- **Easy shopping:** Find the latest shoes for women, men and kids from all your favorite brands. Shop and purchase your new favorite shoes with our easy, streamlined checkout process.
- **VIP access:** Track your Rewards and points all in one place. Scan your VIP member card and other offers right from the app when in store (or use them directly in the app or online)
- **In-store pick-up:** See if the shoes you want are available before visiting your DSW store. Buy on the app and pick up in store!
- **Store locations:** Check out the DSW store locator for instant directions and store hours.
- **Clearance Calculator:** Use the Clearance Calculator in store to see the exact price you'll pay (and how much you'll save!)
- **Product scanning:** Can't find your size or color in a DSW store? Scan the barcode to find it on dsw.com, read reviews and see product information.

California Privacy: California residents can find DSW's California Privacy Notice here: <https://www.dsw.com/en/us/legal/california-privacy-notice>

DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

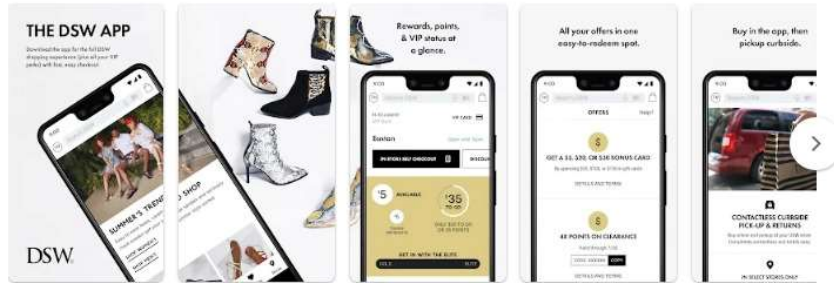
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Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



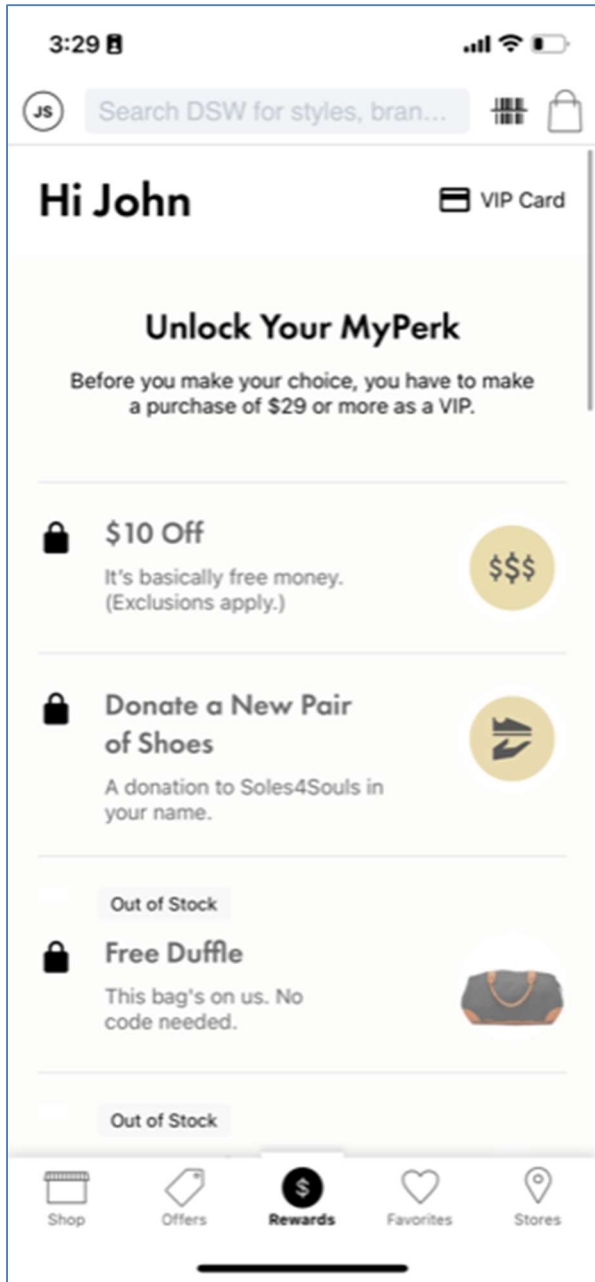
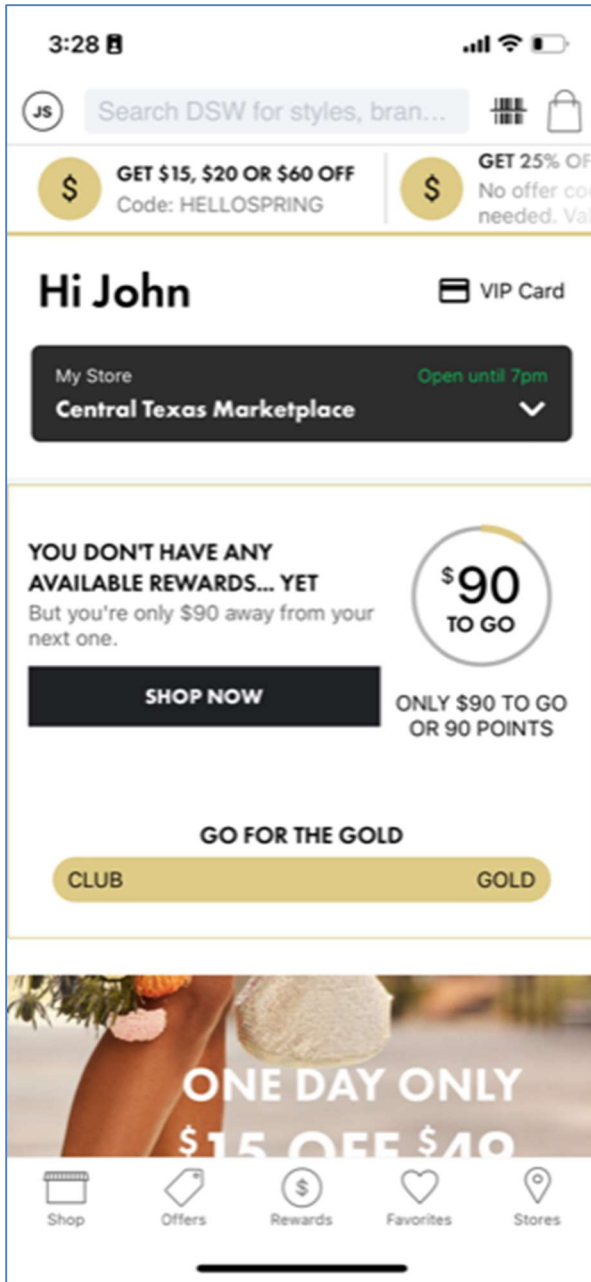
Zappos
Zappos.com
4.7★

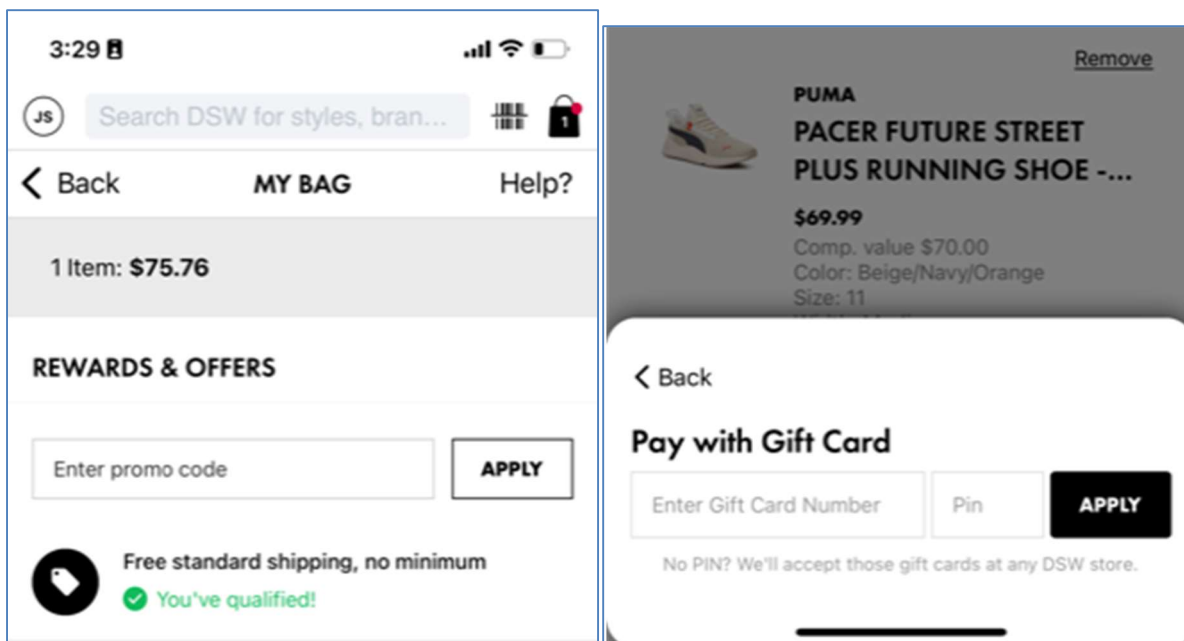
About this app

Download the app for the full DSW shopping experience - plus all your VIP perks - with fast, easy checkout.

The DSW Designer Shoe Warehouse app delivers a full shopping experience with fast, easy checkout. DSW VIP members can easily access account information, including available Rewards.

DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





See e.g., screenshots of the DSW iOS and Android Apps and features.

128. On information and belief, one or more components of the DSW Marketing System employs and provides a method for processing negotiable economic credits through a wireless hand held device, comprising the step of storing a filter in a memory of a hand held device, wherein the hand held device comprises a display, user controls, the memory, and a wireless controller, wherein the wireless controller is configured to communicate with a wireless network, (e.g., a cellular data network, DSW in-store WIFI network, etc.) and wherein the filter is configurable via the user controls.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

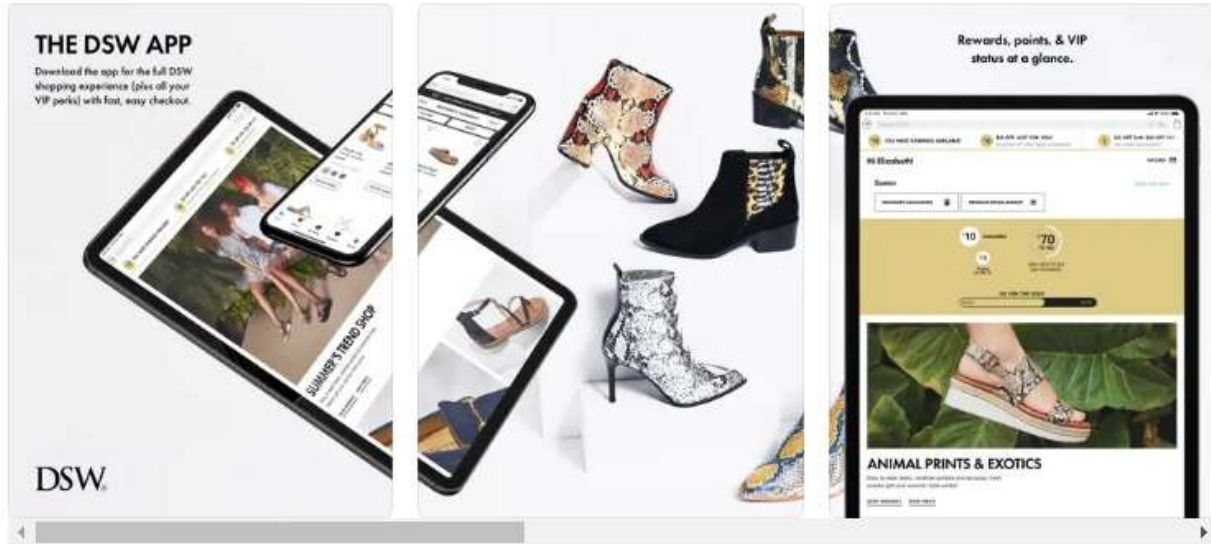
Designed for iPad

#125 in Shopping

★★★★★ 4.9 • 624.9K Ratings

Free

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- In-store pick-up: See if the shoes you want are available before visiting your DSW store. Buy on the app and pick up in store!
- Store locations: Check out the DSW store locator for instant directions and store hours.
- Clearance Calculator: Use the Clearance Calculator in store to see the exact price you'll pay (and how much you'll save!)
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California Privacy: California residents can find DSW's California Privacy Notice here: <https://www.dsw.com/en/us/legal/california-privacy-notice>

DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

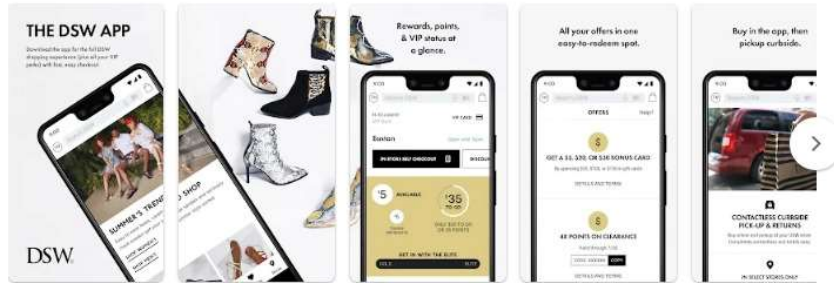
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Developer contact

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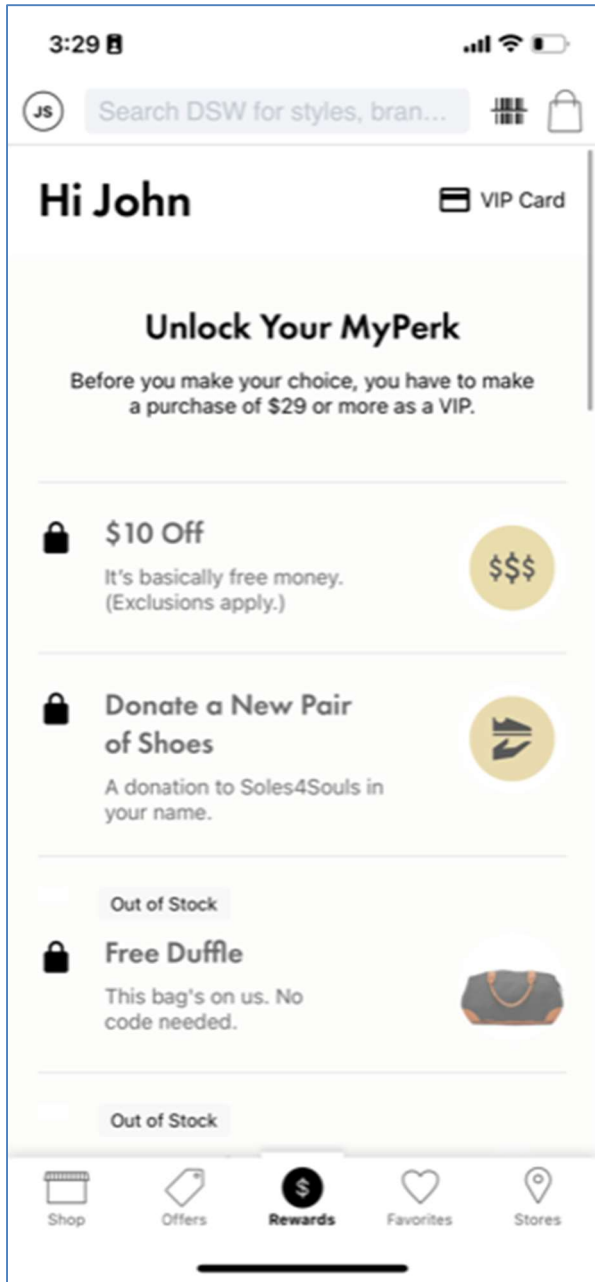
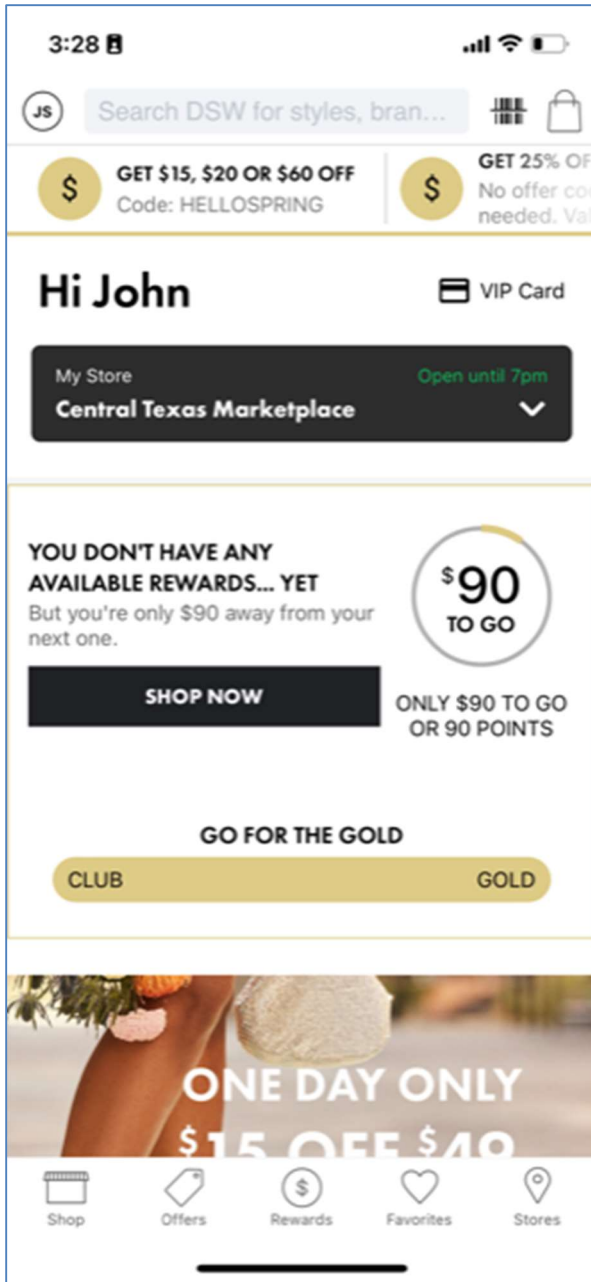
-  Nordstrom
Nordstrom, Inc.
4.7★
-  Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★
-  Levi's
Levi's - Levi Strauss & Co.
4.7★
-  Zappos
Zappos.com
4.7★

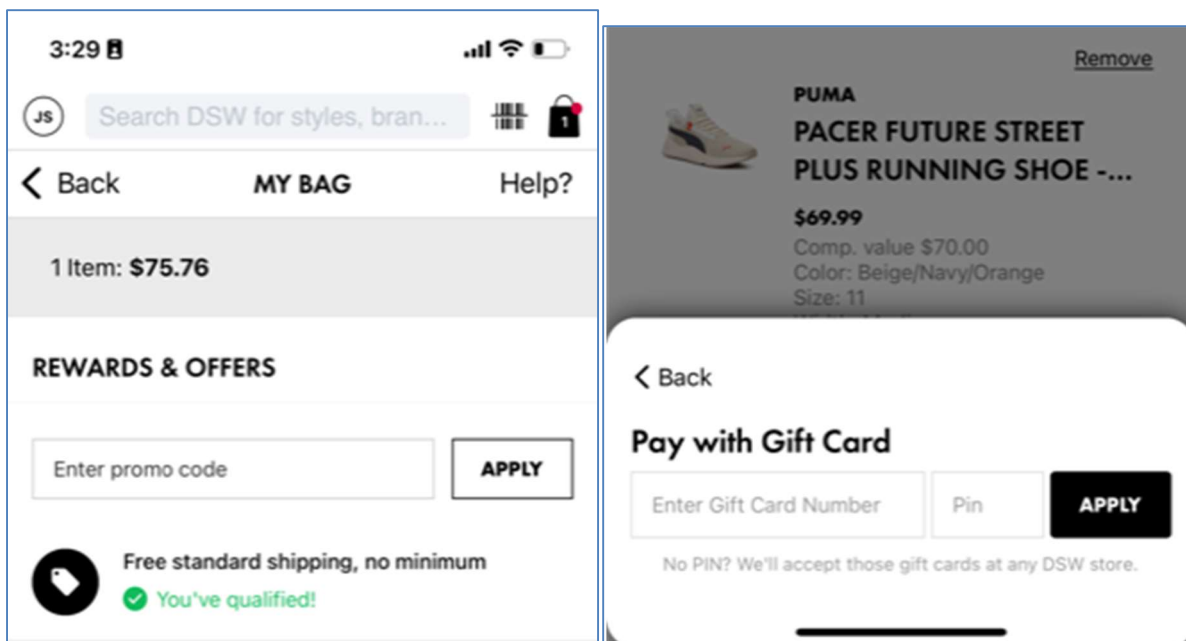
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See e.g., screenshots of the DSW iOS and Android Apps and features.

129. On information and belief, one or more components of the DSW Marketing System employs and provides a method for processing negotiable economic credits through a wireless hand held device, comprising the step of receiving at least one negotiable economic credit from the wireless network at the hand held device based on the stored filter.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

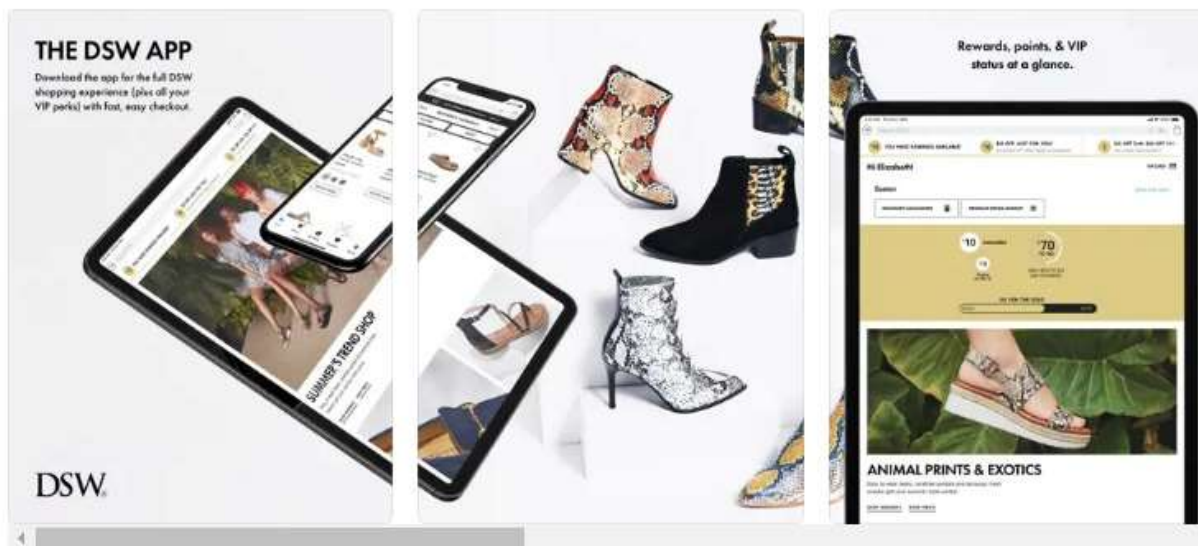
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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

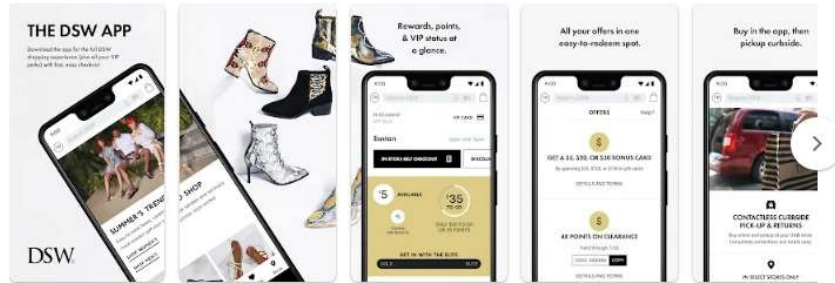
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Similar apps



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Nordstrom, Inc.
4.7★



Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



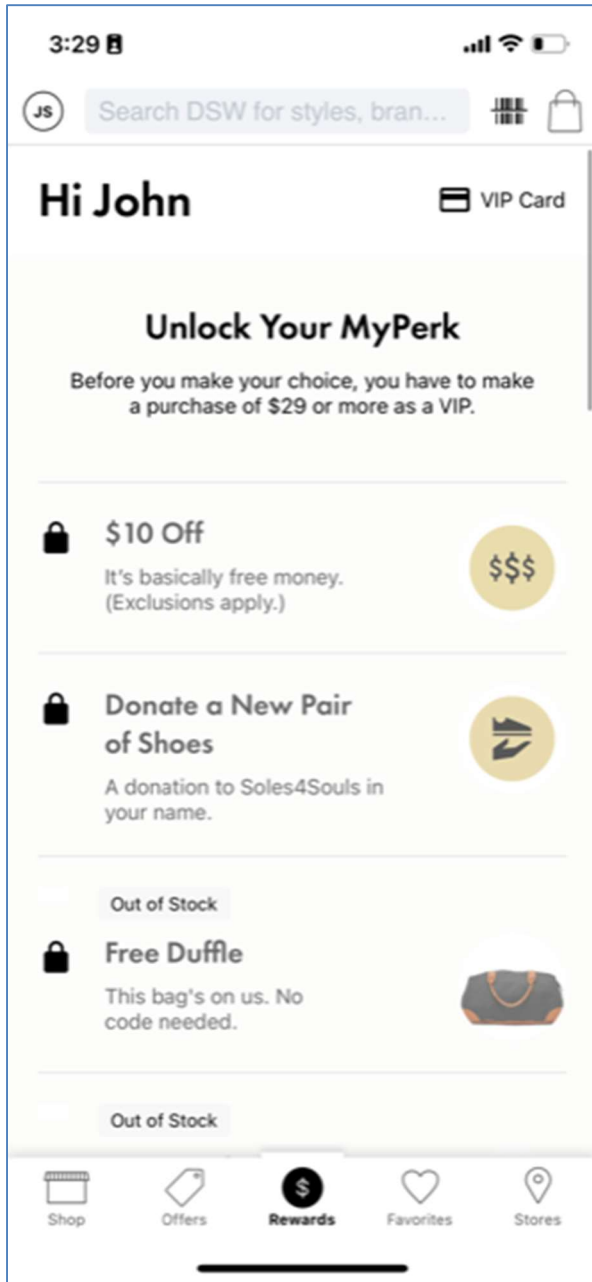
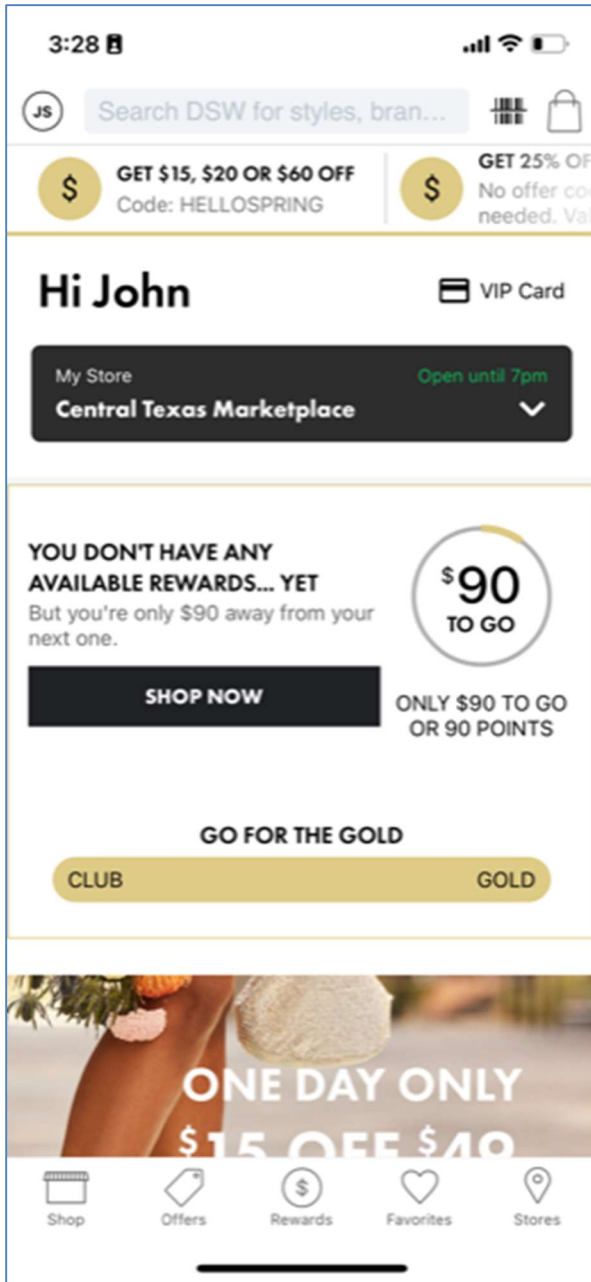
Zappos
Zappos.com
4.7★

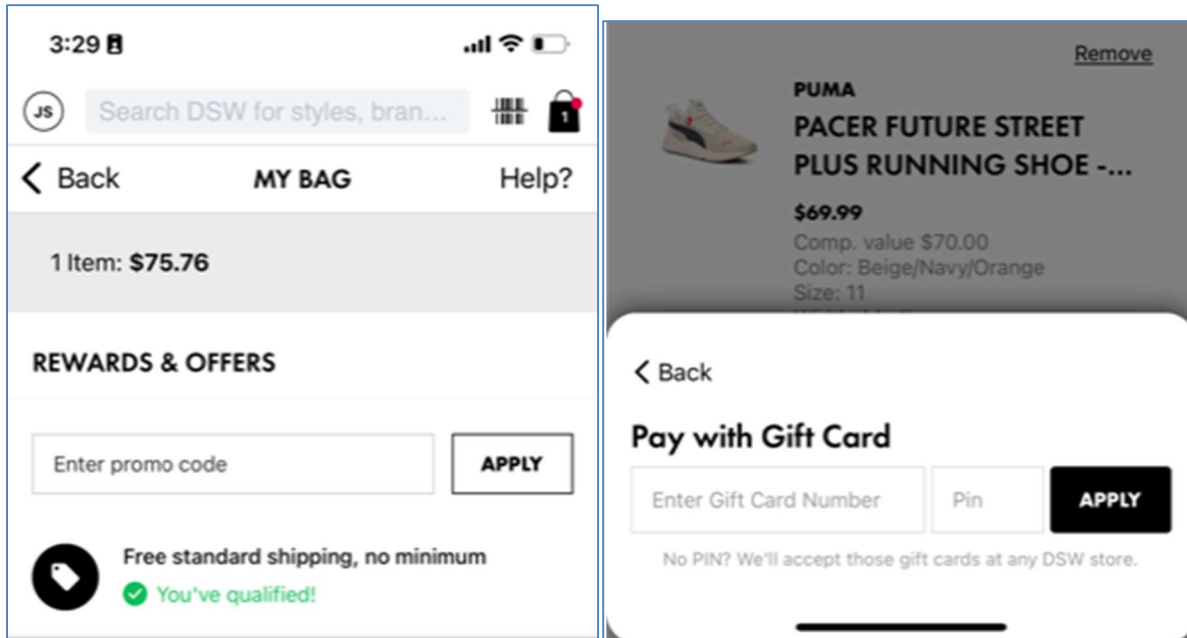
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See e.g., screenshots of the DSW iOS and Android Apps and features.

130. On information and belief, one or more components of the DSW Marketing System employs and provides a method for processing negotiable economic credits through a wireless hand held device, comprising the step of storing the at least one negotiable economic credit in the memory of the hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

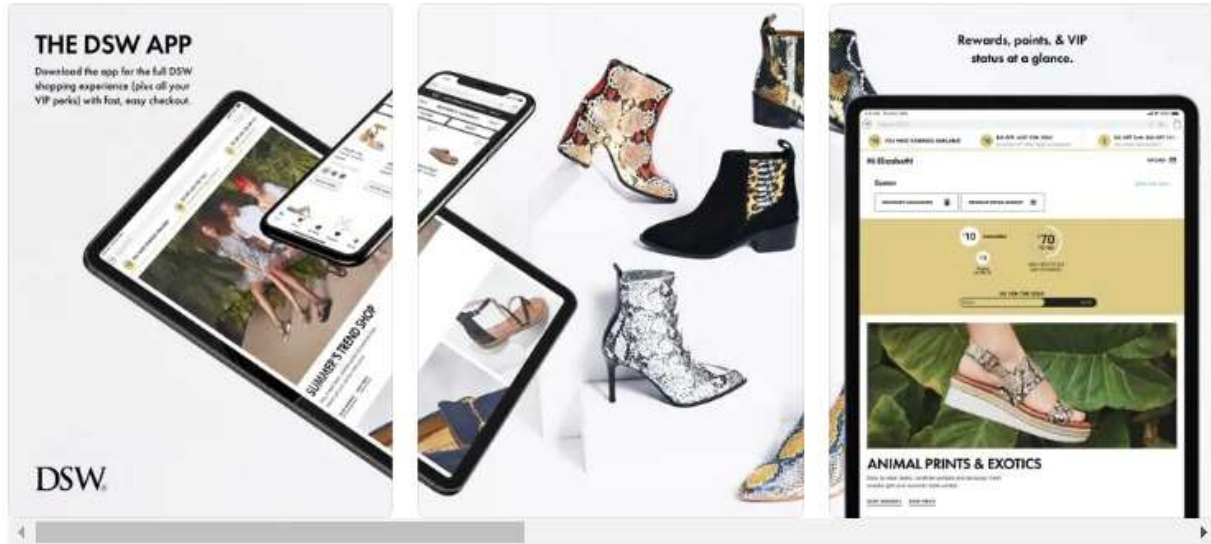
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#125 in Shopping

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DSW Designer Shoe Warehouse

DSW, Inc

4.5 ★
27.9K reviews

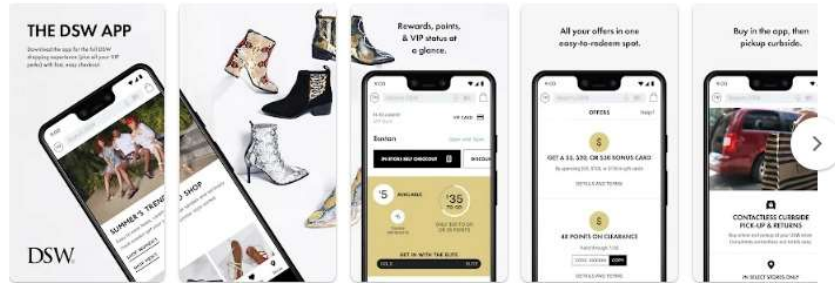
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4.7 ★



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Caleres, Inc.
4.2 ★



Levi's
Levi's - Levi Strauss & Co.
4.7 ★



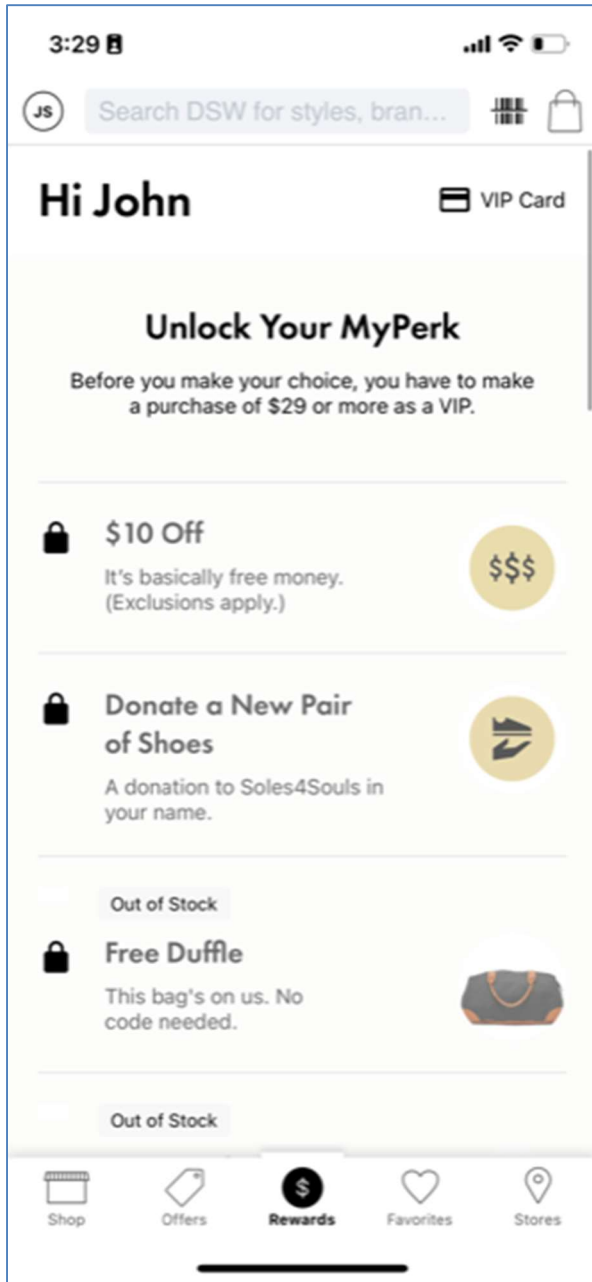
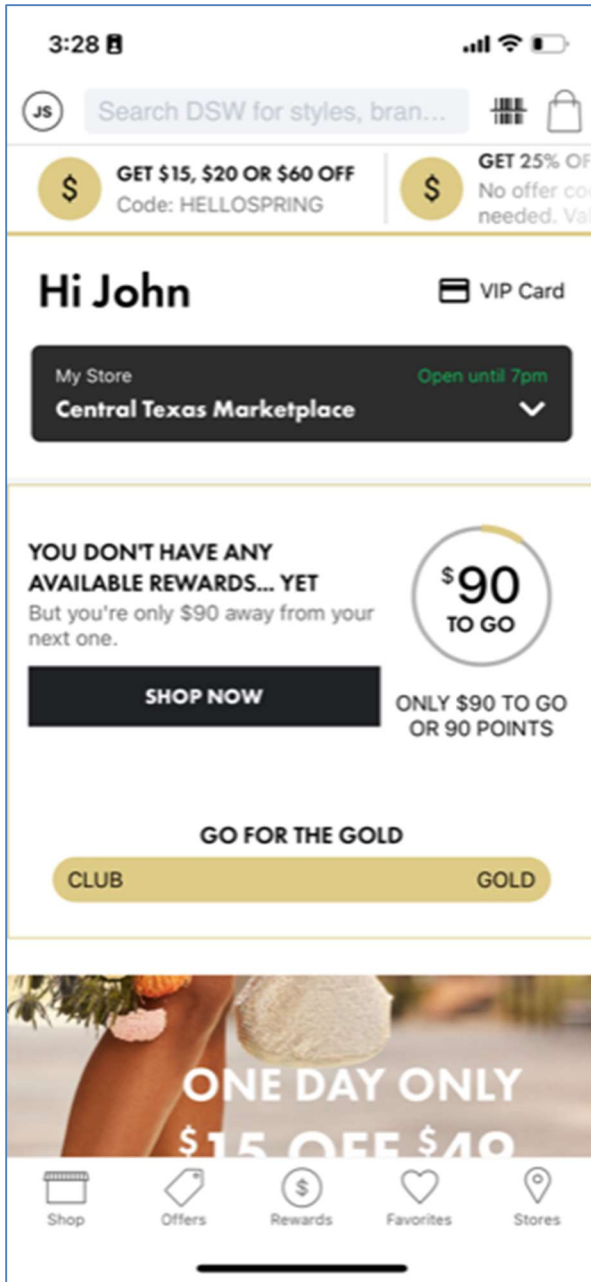
Zappos
Zappos.com
4.7 ★

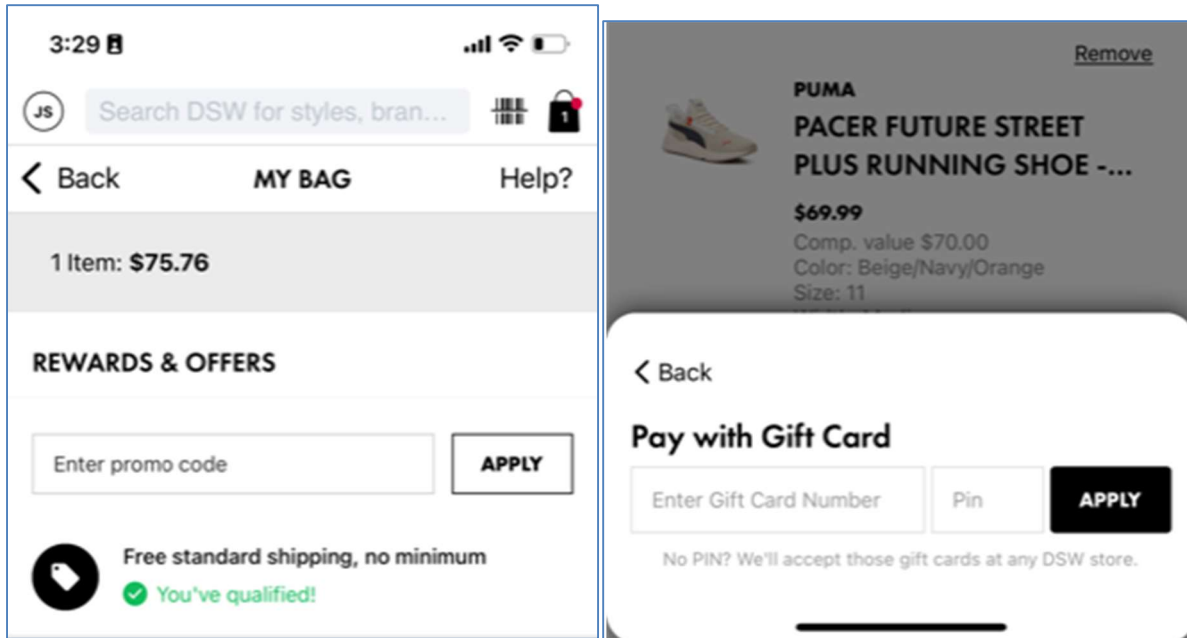
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131. On information and belief, one or more components of the DSW Marketing System employs and provides a method for processing negotiable economic credits through a wireless hand held device, comprising the step of retrieving the at least one negotiable economic credit.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

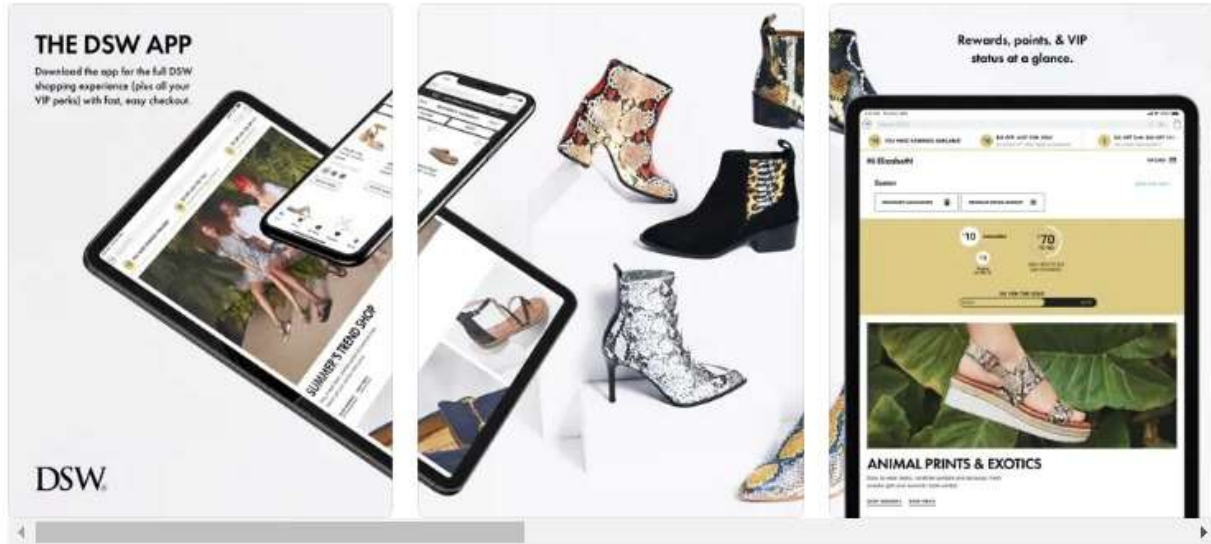
Designed for iPad

#125 in Shopping

★★★★★ 4.9 • 624.9K Ratings

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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

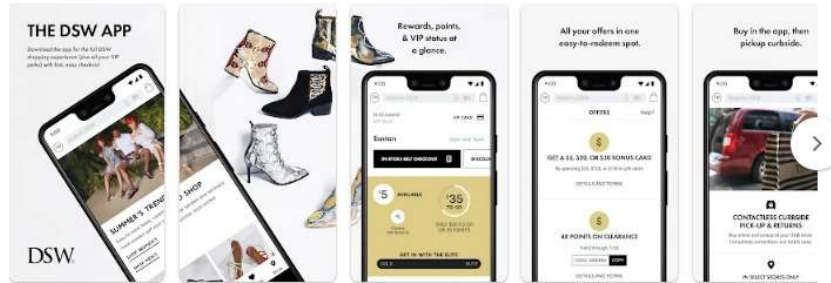
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Nordstrom, Inc.
4.7★



Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



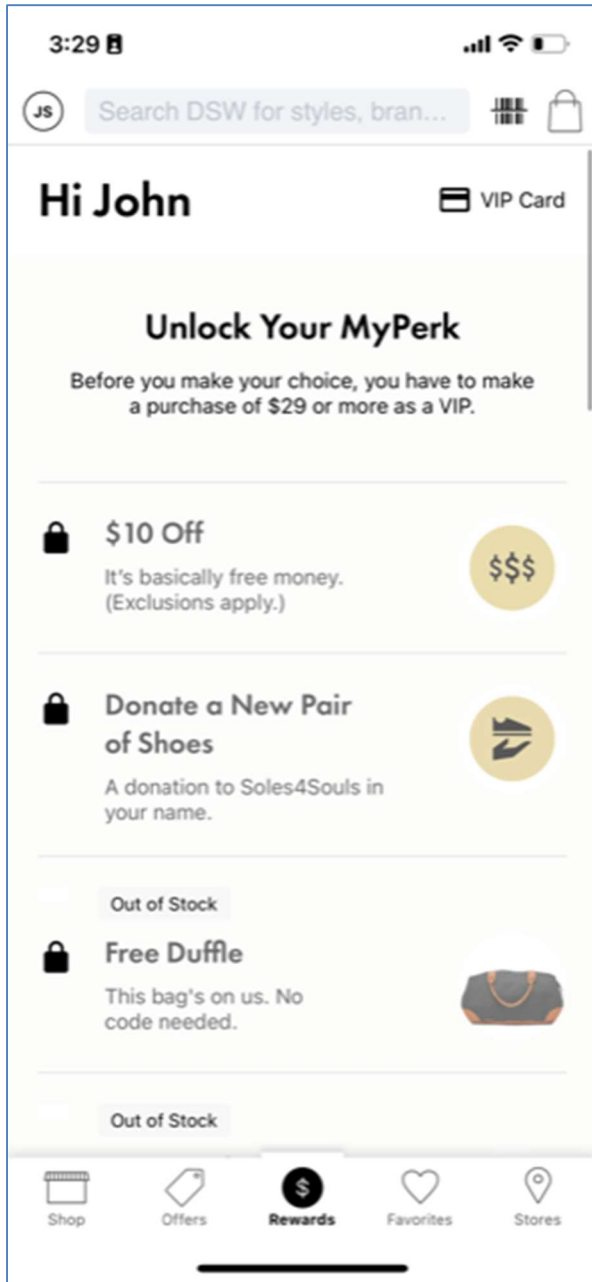
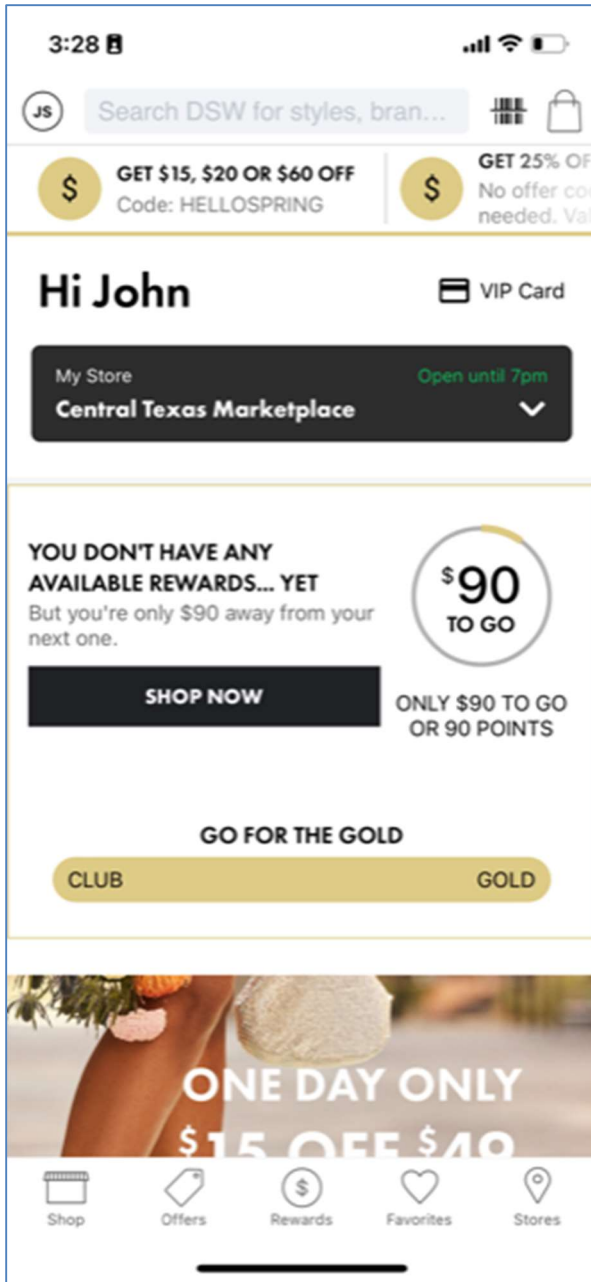
Zappos
Zappos.com
4.7★

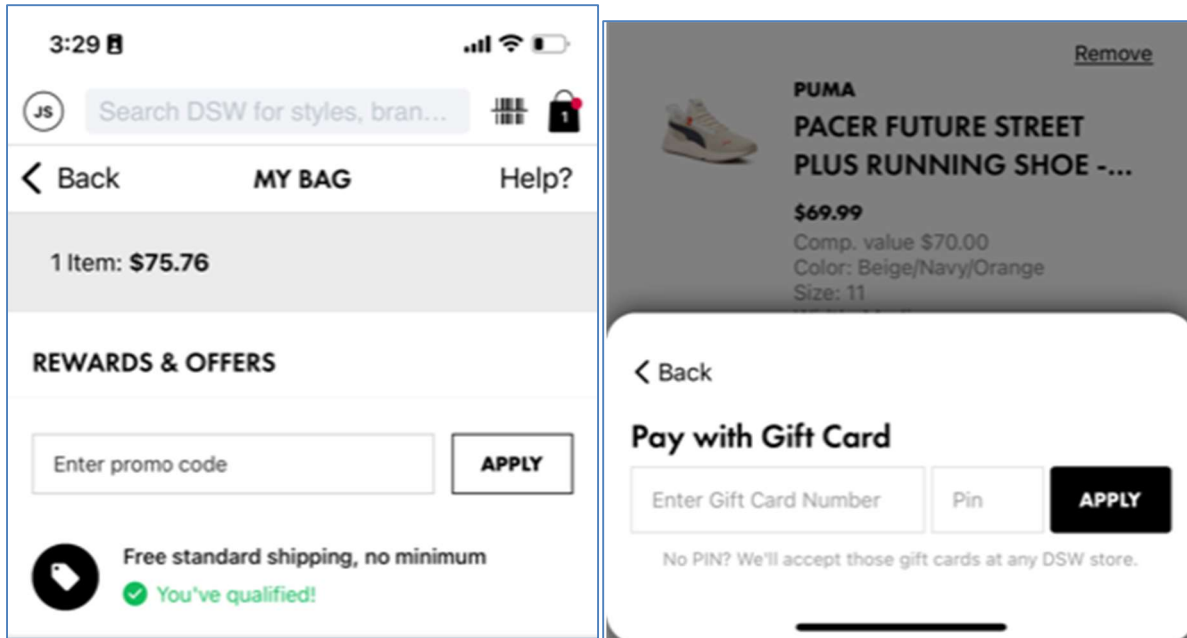
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DSW Designer Shoe Warehouse 4+
 Shop Shoes, Boots & Handbags
 DSW Inc
 Designed for iPad
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 ★★★★★ 4.9 • 624.9K Ratings
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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

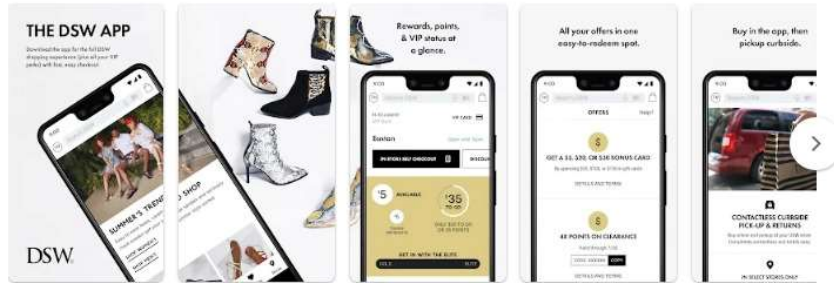
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Famous Footwear - Shop Shoes
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4.2★



Levi's
Levi's - Levi Strauss & Co.
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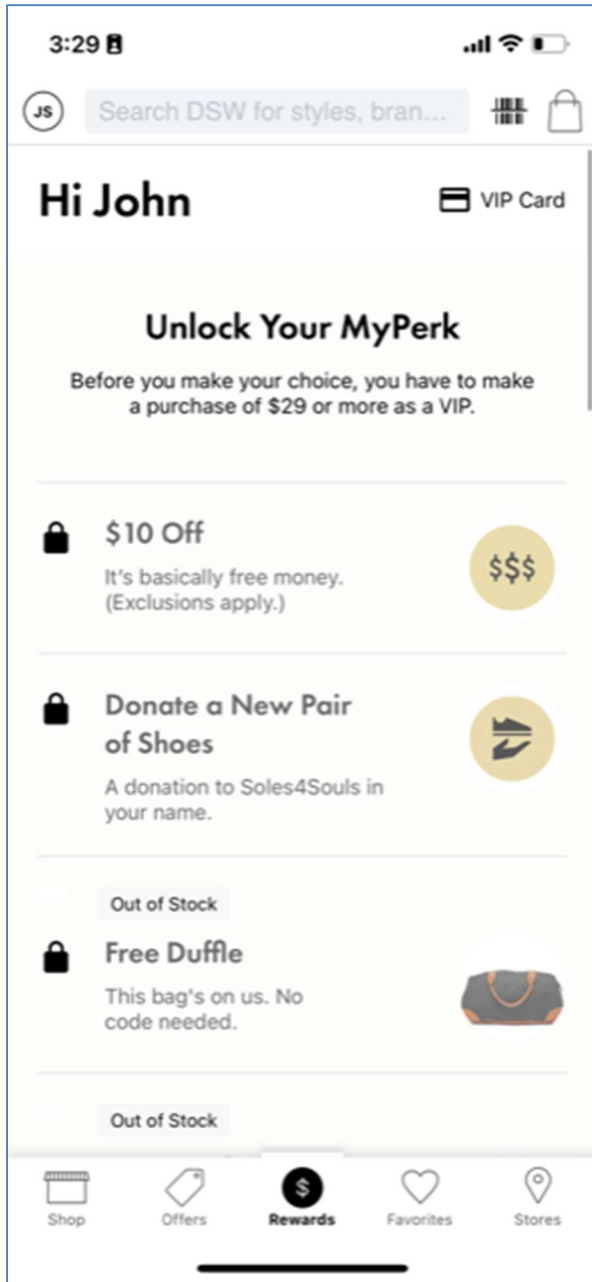
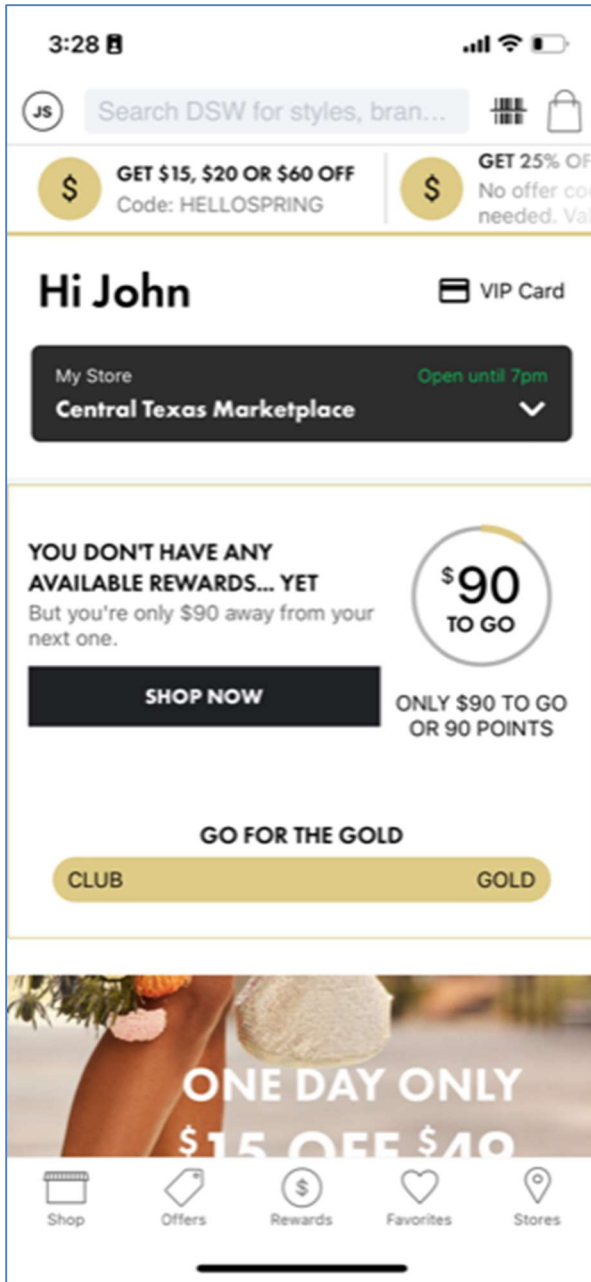
Zappos
Zappos.com
4.7★

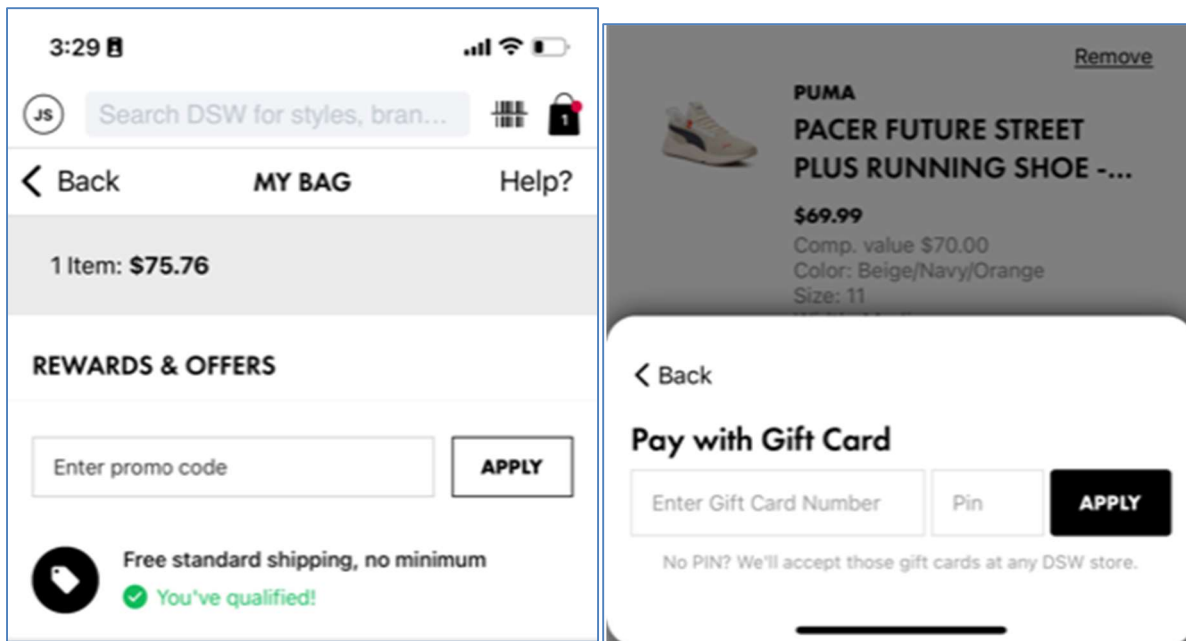
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DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





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133. On information and belief, DSW directly infringes at least claim 1 of the '057 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

134. On information and belief, DSW has been on notice of the '057 patent since at least as early as the March 2023 Notice Letter to DSW concerning its infringement of the Patents-in-Suit.

135. On information and belief, at least since the March 2023 Notice Letter, DSW knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '057 patent, including by DSW's actions that include,

without limitation, instructing and encouraging its customers to use the DSW iOS and Android Apps, including but not limited to the examples of such materials cited above.

136. On information and belief, at least since the March 2023 Letter regarding the Patents-in-Suit, DSW knows the acts it induced its customers to take constitute patent infringement and DSW's encouraging acts result in direct infringement of one or more claims of the '057 patent by its customers.

137. On information and belief, DSW instructs and continues to instruct customers to use the DSW Marketing Products and Services including, without limitation, through DSW's website, which provides access to, and support for, the DSW iOS and Android Apps.

138. On information and belief, DSW's customers directly infringe at least claim 1 of the '057 patent through their use of the DSW Marketing Products and Services.

139. On information and belief, DSW is in violation of 35 U.S.C. § 271(b) and has been, at least since its March 2023 knowledge of the '057 patent, indirectly infringing and continues to indirectly infringe at least claim 1 of the '057 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, DSW's customers) and possessing specific intent to encourage infringement by DSW's users of the iOS and Android Apps. The components of DSW's Marketing Products and Services, including its iOS and Android Apps, are specifically configured to function in accordance with the '057 patent claims and are material parts of the invention.

140. DSW's direct and indirect infringement has damaged Advanced Transactions and caused it to suffer and continue to suffer irreparable harm and damages.

Count V - Infringement of United States Patent No. 8,150,736

141. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

142. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claim 1 of the '736 patent.

143. On information and belief, one or more components of the DSW Marketing System employs and provides a method in a computing system having a processor, (*e.g.*, a DSW webserver) comprising the step of receiving a request for a web page, the request including a locale identifier value, the locale identifier value referencing a geographic location associated with a referral website and a language associated with a webpage of the referral website containing a link used to generate the request.

Google search results for "dsw store locator near Waco, TX". The search bar shows the query and navigation options like Shopping, Maps, Phone number, Open, Images, Videos, News, and Perspectives. The results show approximately 285,000 results in 0.39 seconds. The first result is titled "Designer Shoe Store in Waco, TX Central Texas Marketplace" with a description: "DSW is your Waco, TX shoe store destination for great values on designer shoes, boots, sandals, accessories, and more." The second result is "Designer Shoe Store in Waco, TX" with the description: "Browse all DSW Designer Shoe Warehouse locations in Waco, TX. Find your favorite brands and the latest shoes and accessories for women, men, ...". The third result is "DSW Locations in TX | Shoes, Boots, Sandals, Handbags, ..." with the description: "Browse all DSW Designer Shoe Warehouse locations in TX. Find your favorite ... Waco(1); Webster(1). Customer Service. 1.866.379.7463. customerservice@dsw.com."

DSW Designer Shoe Warehouse website navigation: WOMEN, MEN, KIDS, BRANDS, CLEARANCE. The page shows the breadcrumb "Locations > US > TX" and the heading "DSW STORES IN TEXAS". A list of store locations in Texas is provided, each with a count in parentheses:

- Allen (1)
- Austin (1)
- Cedar Park (1)
- Conroe (1)
- Dallas (2)
- El Paso (1)
- Fort Worth (2)
- Garland (1)
- Houston (4)
- Hurst (1)
- Lewisville (1)
- McAllen (1)
- Pearland (1)
- Prosper (1)
- San Antonio (5)
- Southlake (1)
- Sugar Land (1)
- Tyler (1)
- Webster (1)
- Arlington (1)
- Cedar Hill (1)
- College Station (1)
- Corpus Christi (1)
- Denton (1)
- Euless (1)
- Frisco (1)
- Highland Village (1)
- Humble (1)
- Katy (1)
- Lubbock (1)
- Mesquite (1)
- Plano (1)
- Round Rock (1)
- Shenandoah (1)
- Spring (1)
- Sunset Valley (1)
- Waco (1)

DSW DESIGNER SHOE WAREHOUSE™

WOMEN MEN KIDS BRANDS CLEARANCE

ACCOUNT BAG

Locations > US > TX > Waco > 4633 S. Jack Kultgen Expressway

DSW VIP
Become a VIP & get 20% off after your first purchase. Plus, 5% back in Rewards & free shipping. [Sign Up for Free Today.](#)

DSW DESIGNER SHOE WAREHOUSE
CENTRAL TEXAS MARKETPLACE

OPEN UNTIL 7:00 PM
4633 S. Jack Kultgen Expressway
Unit 105
Waco, TX 76711
PHONE: (254) 218-7101

HOURS OF OPERATION

M	11:00 AM - 7:00 PM
T	11:00 AM - 7:00 PM
W	11:00 AM - 7:00 PM
T	11:00 AM - 7:00 PM
F	11:00 AM - 7:00 PM
S	10:00 AM - 8:00 PM
S	11:00 AM - 6:00 PM

[GET DIRECTIONS](#) [SHOP NOW](#)

This store has:

- ✓ Shoe Donation
- ✓ In-store Pick-Up
- ✓ Shoe Repair Services


```

Line wrap
1 <!doctype html><html lang="en"><head><meta http-equiv="Content-Type" content="text/html; charset=utf-8"/><meta http-equiv="X-UA-Compatible" content="IE=edge"><link rel="dns-prefetch" href="//www.yext-pixel.com"><link rel="dns-prefetch" href="//a.cdnmktg.com"><link rel="dns-prefetch" href="//a.mktgcdn.com"><link rel="dns-prefetch" href="//dynl.mktgcdn.com"><link rel="dns-prefetch" href="//dynam.mktgcdn.com"><link rel="dns-prefetch" href="//www.google-analytics.com"><meta name="viewport" content="width=device-width, initial-scale=1, maximum-scale=1, user-scalable=no"><meta name="format-detection" content="telephone=no"><link rel="shortcut icon" href="//dynl.mktgcdn.com/p/eY7j01uc3WkELTGf-5cVbaP--082oQRL-vjoJ71FP8Y/480x480.png"><meta name="description" content="DSW is your Waco, TX shoe store destination for great values on designer shoes, boots, sandals, accessories, and more."><meta name="keywords" content=""><meta property="og:title" content="Your Waco, TX Shoe Store | DSW"><meta property="og:description" content="DSW is your Waco, TX shoe store destination for great values on designer shoes, boots, sandals, accessories, and more."><meta property="og:image" content="https://stores.dsw.com/permanent-b0b701/assets/images/logo.3951222b.svg"><meta property="og:type" content="website"><meta property="og:url" content="https://stores.dsw.com/usa/tx/waco/dsw-designer-shoe-warehouse-central-texas-marketplace.html"><meta name="twitter:card" content="summary"><link rel="canonical" href="https://stores.dsw.com/usa/tx/waco/dsw-designer-shoe-warehouse-central-texas-marketplace.html"/><title>Your Waco, TX Shoe Store | DSW</title><script type="text/javascript">window.Yext = (function(Yext){Yext.BaseUrl = "..../..../"; return Yext})(window.Yext || {});</script><script id="monitoring-data" type="text/data">
    
```

See e.g., <https://stores.dsw.com/usa/tx.html>.

144. On information and belief, one or more components of the DSW Marketing System employs and provides a method in a computing system having a processor, (e.g., a DSW webserver) comprising the step of with the processor, retrieving

a version of marketing information identified by processing the locale identifier value included in the request for the web page.



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[Cedar Park](#) (1)

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[College Station](#) (1)

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[Denton](#) (1)

[Euless](#) (1)

[Frisco](#) (1)

[Highland Village](#) (1)

[Humble](#) (1)

[Katy](#) (1)

[Lubbock](#) (1)

[Mesquite](#) (1)

[Plano](#) (1)


[Round Rock](#) (1)

[Shenandoah](#) (1)



[Spring](#) (1)

[Sunset Valley](#) (1)

[Waco](#) (1)



[WOMEN](#)
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[Locations](#) > [US](#) > [TX](#) > [Waco](#) > 4633 S. Jack Kultgen Expressway

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DSW DESIGNER SHOE WAREHOUSE
CENTRAL TEXAS MARKETPLACE

OPEN UNTIL 7:00 PM

4633 S. Jack Kultgen Expressway
Unit 105
Waco, TX 76711


PHONE: (254) 218-7101

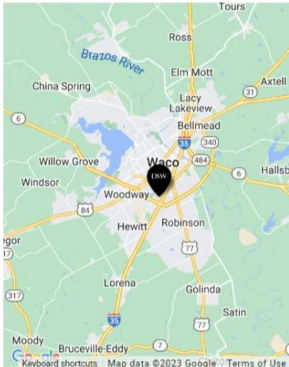
GET DIRECTIONS

SHOP NOW

This store has:


- ✓ Shoe Donation
- ✓ In-store Pick-Up
- ✓ Shoe Repair Services





See e.g., <https://stores.dsw.com/usa/tx.html>.

145. On information and belief, one or more components of the DSW Marketing System employs and provides a method in a computing system having a processor, (e.g., a DSW webserver) comprising the step of with the processor, generating the requested web page to include information representative of the retrieved version of the marketing information.



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[BRANDS](#)
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DSW STORES IN TEXAS

<p>Allen (1)</p> <p>Austin (1)</p> <p>Cedar Park (1)</p> <p>Conroe (1)</p> <p>Dallas (2)</p> <p>El Paso (1)</p> <p>Fort Worth (2)</p> <p>Garland (1)</p> <p>Houston (4)</p> <p>Hurst (1)</p> <p>Lewisville (1)</p> <p>McAllen (1)</p> <p>Pearland (1)</p> <p>Prosper (1)</p> <p>San Antonio (5)</p> <p>Southlake (1)</p> <p>Sugar Land (1)</p> <p>Tyler (1)</p> <p>Webster (1)</p>	<p>Arlington (1)</p> <p>Cedar Hill (1)</p> <p>College Station (1)</p> <p>Corpus Christi (1)</p> <p>Denton (1)</p> <p>Euless (1)</p> <p>Frisco (1)</p> <p>Highland Village (1)</p> <p>Humble (1)</p> <p>Katy (1)</p> <p>Lubbock (1)</p> <p>Mesquite (1)</p> <p>Plano (1)</p> <p>Round Rock (1)</p> <p>Shenandoah (1)</p> <p>Spring (1)</p> <p>Sunset Valley (1)</p> <p>Waco (1)</p>
--	--

DSW DESIGNER SHOE WAREHOUSE™

WOMEN MEN KIDS BRANDS CLEARANCE

ACCOUNT BAG

Locations > US > TX > Waco > 4633 S. Jack Kultgen Expressway

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CENTRAL TEXAS MARKETPLACE

OPEN UNTIL 7:00 PM
4633 S. Jack Kultgen Expressway
Unit 105
Waco, TX 76711
PHONE: (254) 218-7101

HOURS OF OPERATION:

M	11:00 AM - 7:00 PM
T	11:00 AM - 7:00 PM
W	11:00 AM - 7:00 PM
T	11:00 AM - 7:00 PM
F	11:00 AM - 7:00 PM
S	10:00 AM - 8:00 PM
S	11:00 AM - 6:00 PM


[GET DIRECTIONS](#) [SHOP NOW](#)

This store has:

- ✓ Shoe Donation
- ✓ In-store Pick-Up
- ✓ Shoe Repair Services

See e.g., <https://stores.dsw.com/usa/tx.html>.

146. On information and belief, one or more components of the DSW Marketing System employs and provides a method in a computing system having a processor, (e.g., a DSW webserver) comprising the step of transmitting the generated web page.



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[Pearland](#) (1)

[Prosper](#) (1)

[San Antonio](#) (5)

[Southlake](#) (1)

[Sugar Land](#) (1)

[Tyler](#) (1)

[Webster](#) (1)

[Arlington](#) (1)

[Cedar Hill](#) (1)

[College Station](#) (1)

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[Katy](#) (1)

[Lubbock](#) (1)

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[Shenandoah](#) (1)



[Spring](#) (1)

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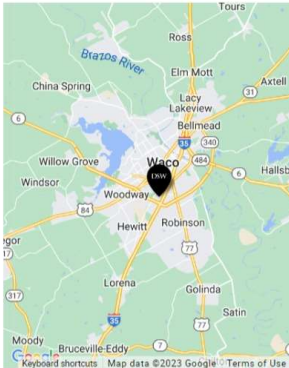
PHONE: (254) 218-7101

GET DIRECTIONS

SHOP NOW

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- ✓ In-store Pick-Up
- ✓ Shoe Repair Services

See e.g., <https://stores.dsw.com/usa/tx.html>.

147. On information and belief, DSW directly infringed at least claim 1 of the '736 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

148. Advanced Transactions has been damaged by DSW's infringement and suffered damages as a result of this infringement.

Count VI - Infringement of United States Patent No. 8,175,519

149. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

150. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringed (literally and/or under the doctrine of equivalents) at least claim 22 of the '519 patent.

151. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of requesting at least one negotiable economic credit (*e.g.*, DSW Coupons, DSW Rewards, DSW Payment Wallet, DSW Gift Cards, *etc.*) through a wireless hand held device, (*e.g.*, a smart phone with the DSW App installed) using a hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

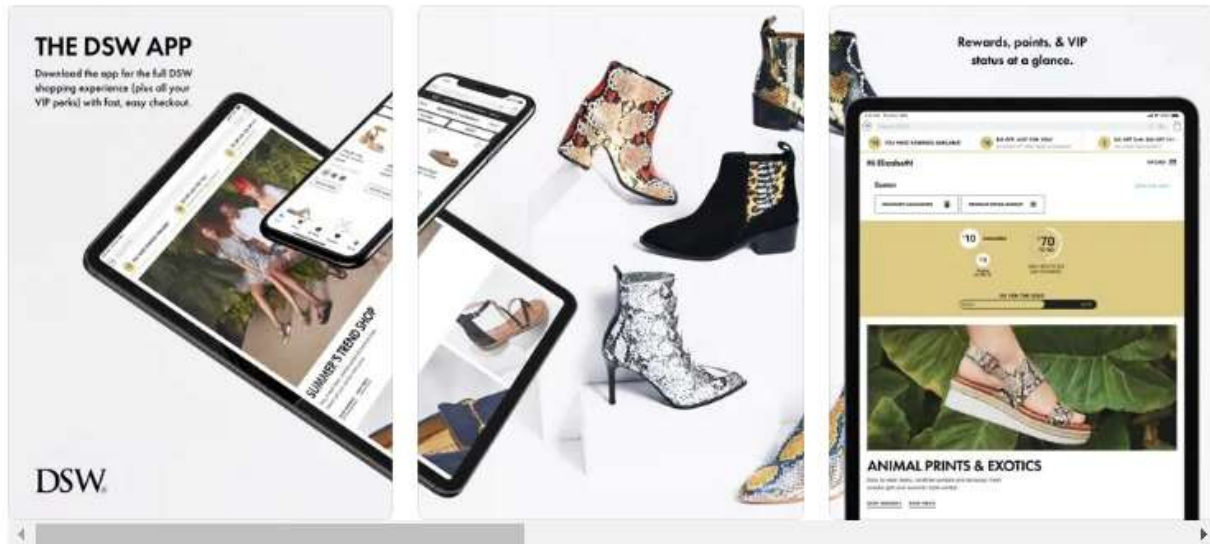
Designed for iPad

#125 in Shopping

★★★★★ 4.9 • 624.9K Ratings

Free

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The DSW Designer Shoe Warehouse app delivers a full shopping experience with fast, easy checkout. DSW VIP members can easily access account information, including available Rewards.

DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW Designer Shoe Warehouse app for:

- **Easy shopping:** Find the latest shoes for women, men and kids from all your favorite brands. Shop and purchase your new favorite shoes with our easy, streamlined checkout process.
- **VIP access:** Track your Rewards and points all in one place. Scan your VIP member card and other offers right from the app when in store (or use them directly in the app or online)
- **In-store pick-up:** See if the shoes you want are available before visiting your DSW store. Buy on the app and pick up in store!
- **Store locations:** Check out the DSW store locator for instant directions and store hours.
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- **Product scanning:** Can't find your size or color in a DSW store? Scan the barcode to find it on dsw.com, read reviews and see product information.

California Privacy: California residents can find DSW's California Privacy Notice here: <https://www.dsw.com/en/us/legal/california-privacy-notice>

DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

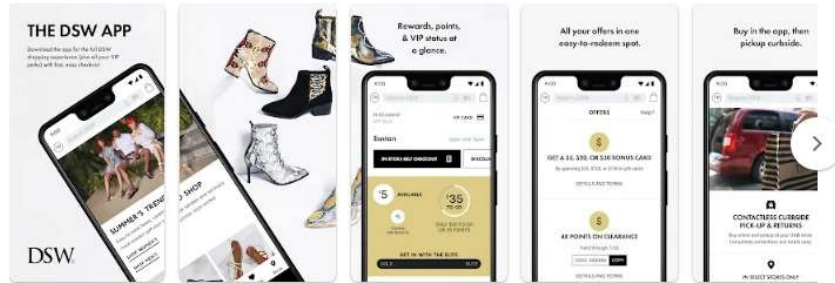
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Nordstrom, Inc.
4.7★



Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



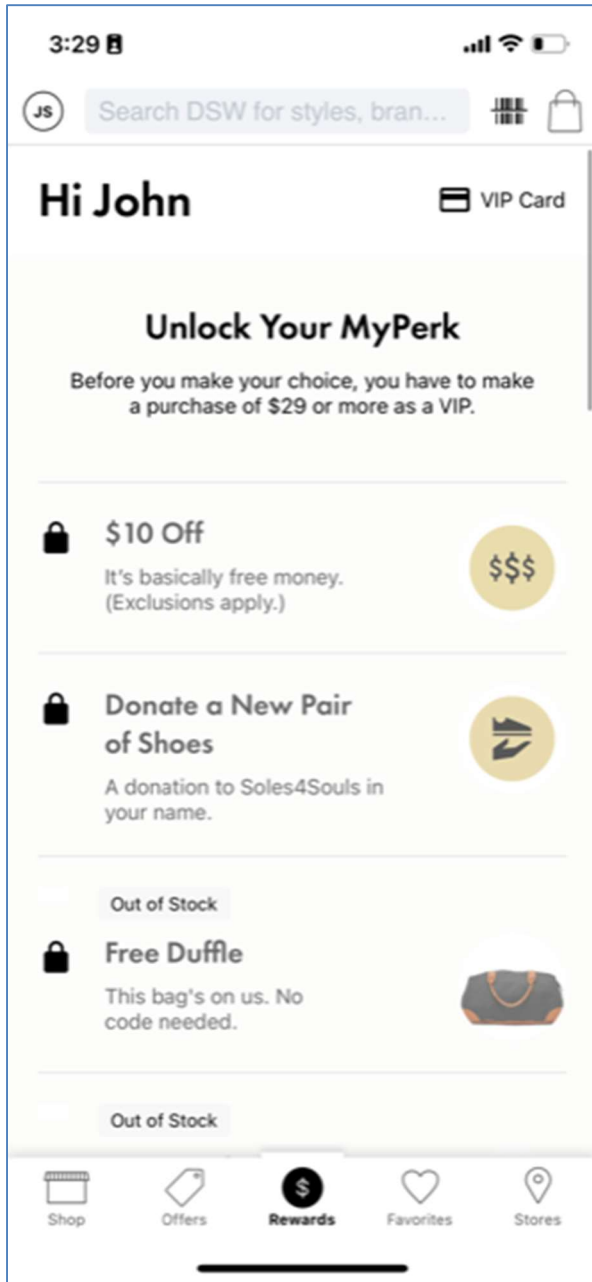
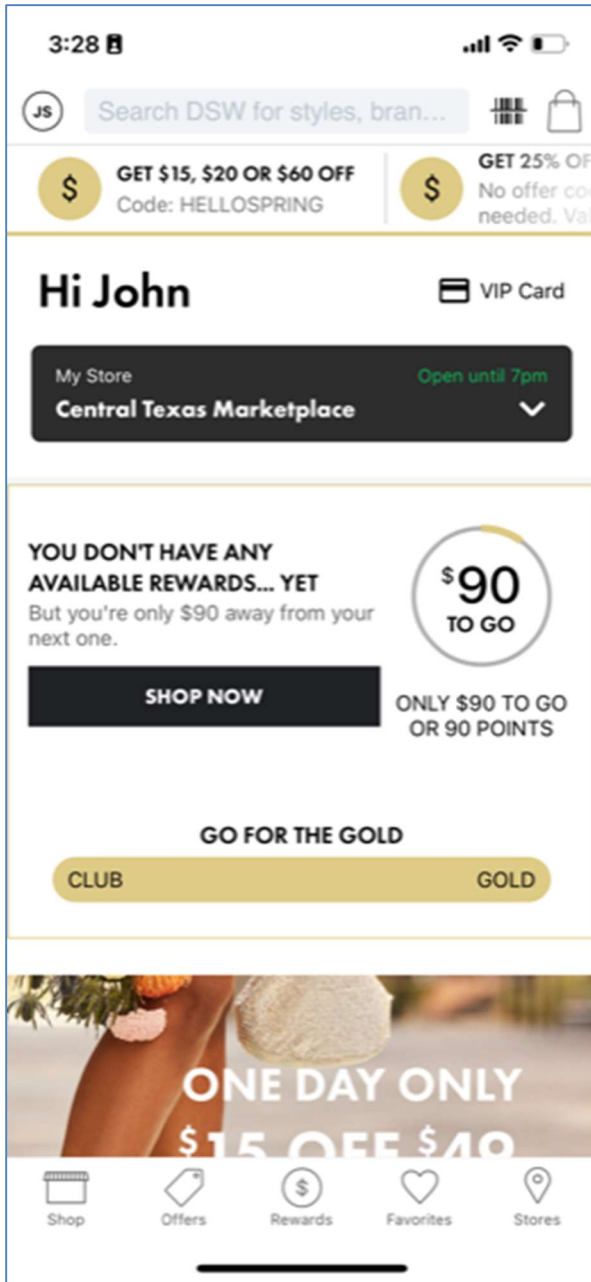
Zappos
Zappos.com
4.7★

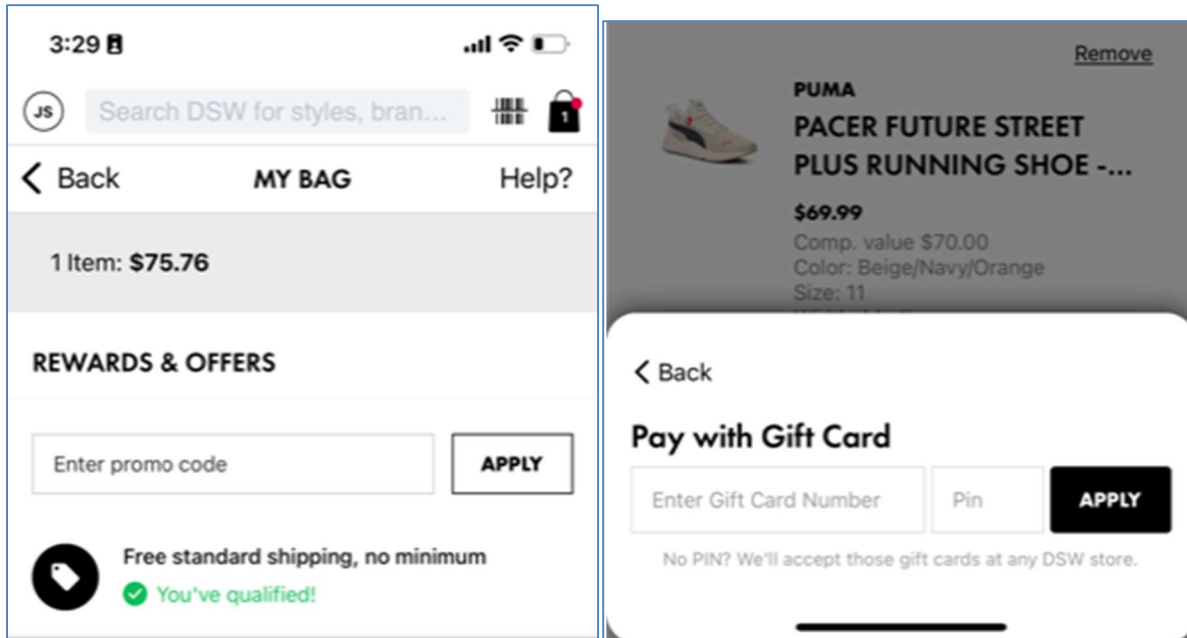
About this app

Download the app for the full DSW shopping experience - plus all your VIP perks - with fast, easy checkout.

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DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





See e.g., screenshots of the DSW iOS and Android Apps and features.

152. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of receiving the at least one negotiable economic credit at the hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

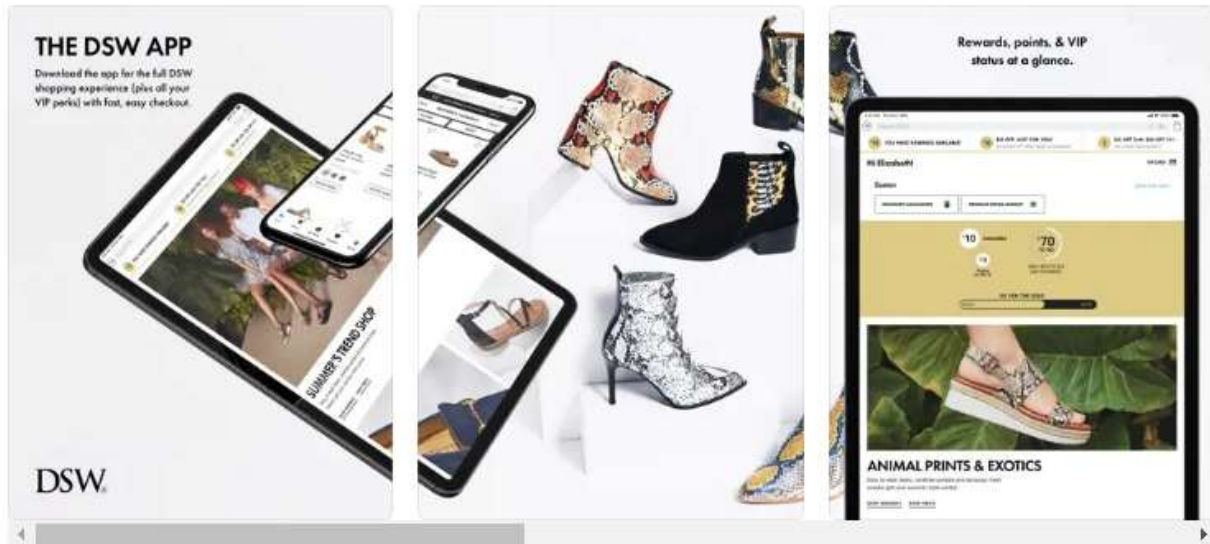
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- **VIP access:** Track your Rewards and points all in one place. Scan your VIP member card and other offers right from the app when in store (or use them directly in the app or online)
- **In-store pick-up:** See if the shoes you want are available before visiting your DSW store. Buy on the app and pick up in store!
- **Store locations:** Check out the DSW store locator for instant directions and store hours.
- **Clearance Calculator:** Use the Clearance Calculator in store to see the exact price you'll pay (and how much you'll save!)
- **Product scanning:** Can't find your size or color in a DSW store? Scan the barcode to find it on dsw.com, read reviews and see product information.

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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

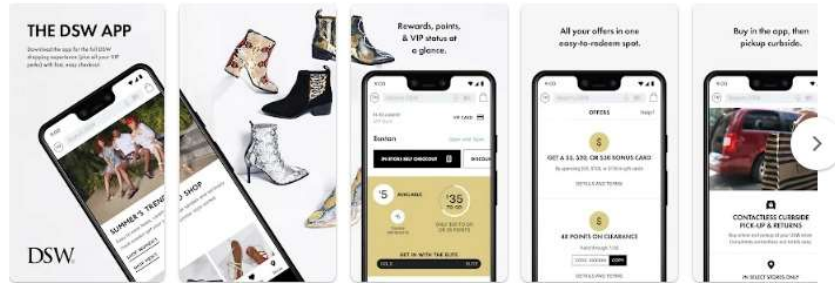
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Nordstrom, Inc.
4.7★



Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



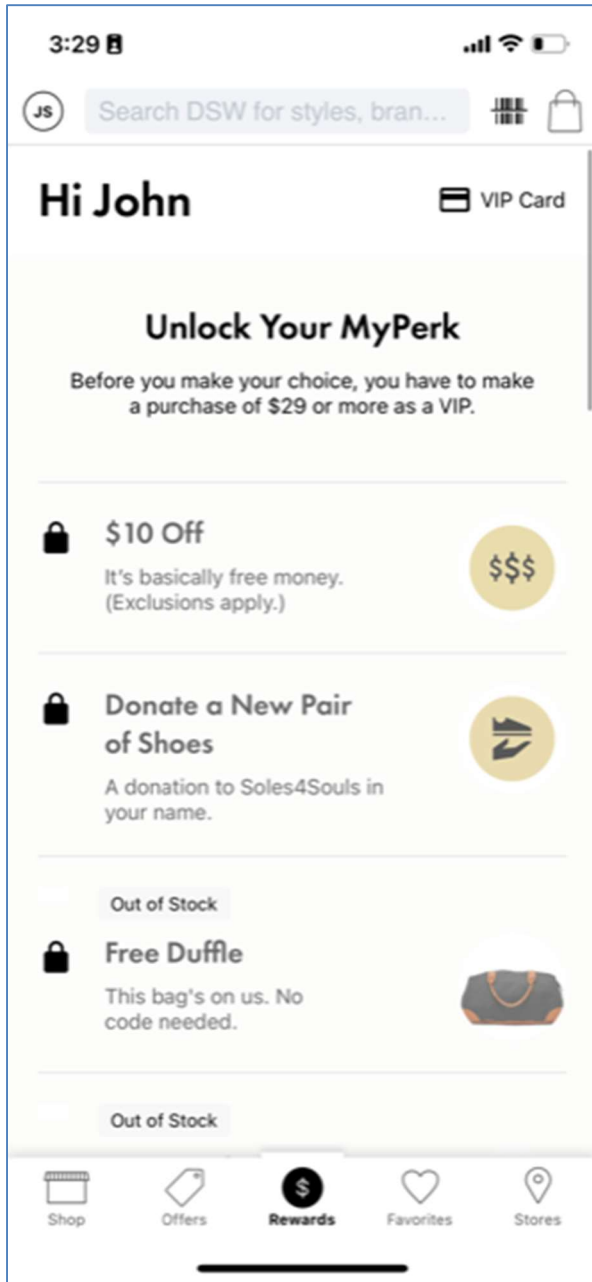
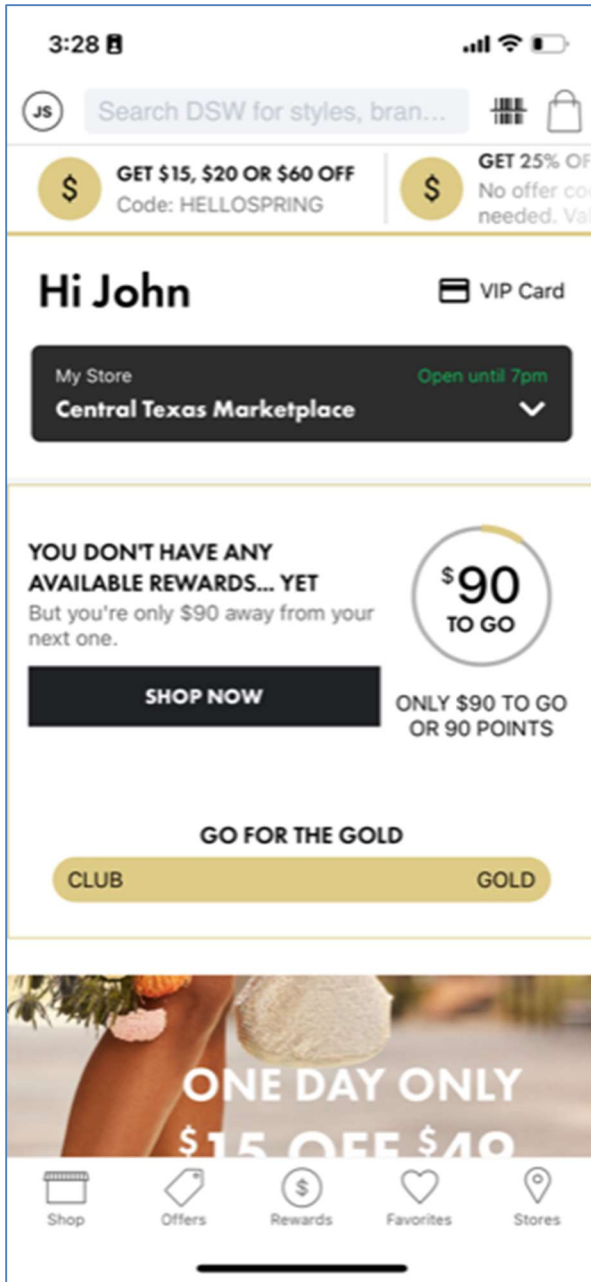
Zappos
Zappos.com
4.7★

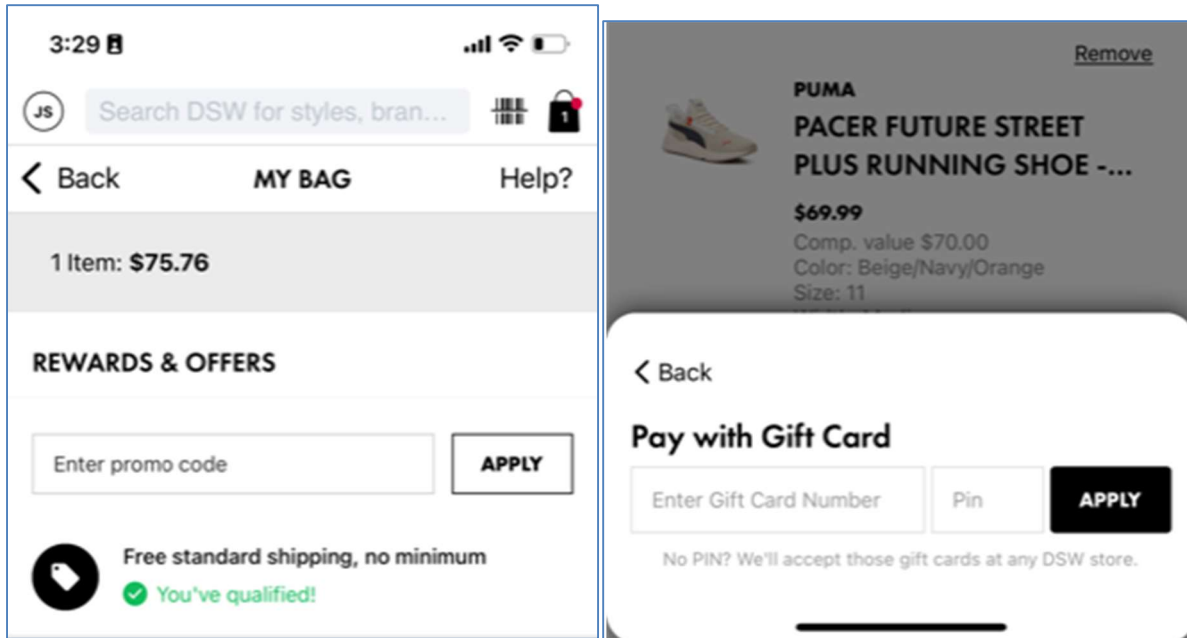
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The DSW Designer Shoe Warehouse app delivers a full shopping experience with fast, easy checkout. DSW VIP members can easily access account information, including available Rewards.

DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





See e.g., screenshots of the DSW iOS and Android Apps and features.

153. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of storing the at least one negotiable economic credit in a memory of the hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

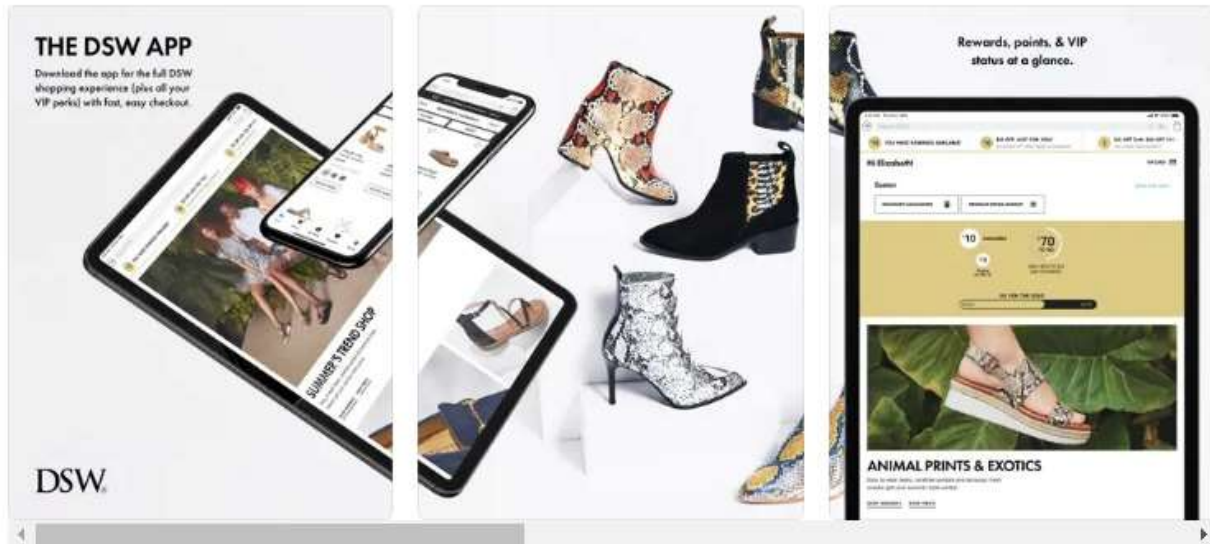
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- **Clearance Calculator:** Use the Clearance Calculator in store to see the exact price you'll pay (and how much you'll save!)
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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

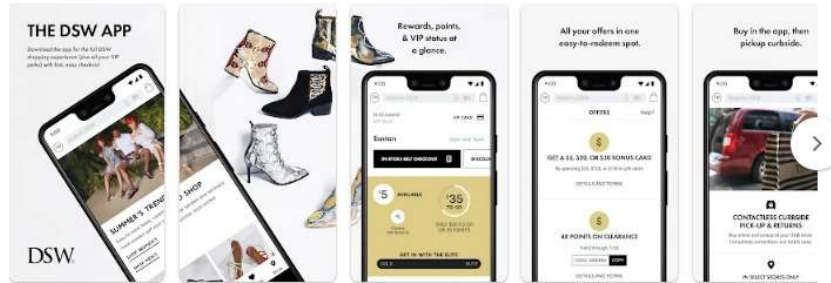
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Levi's
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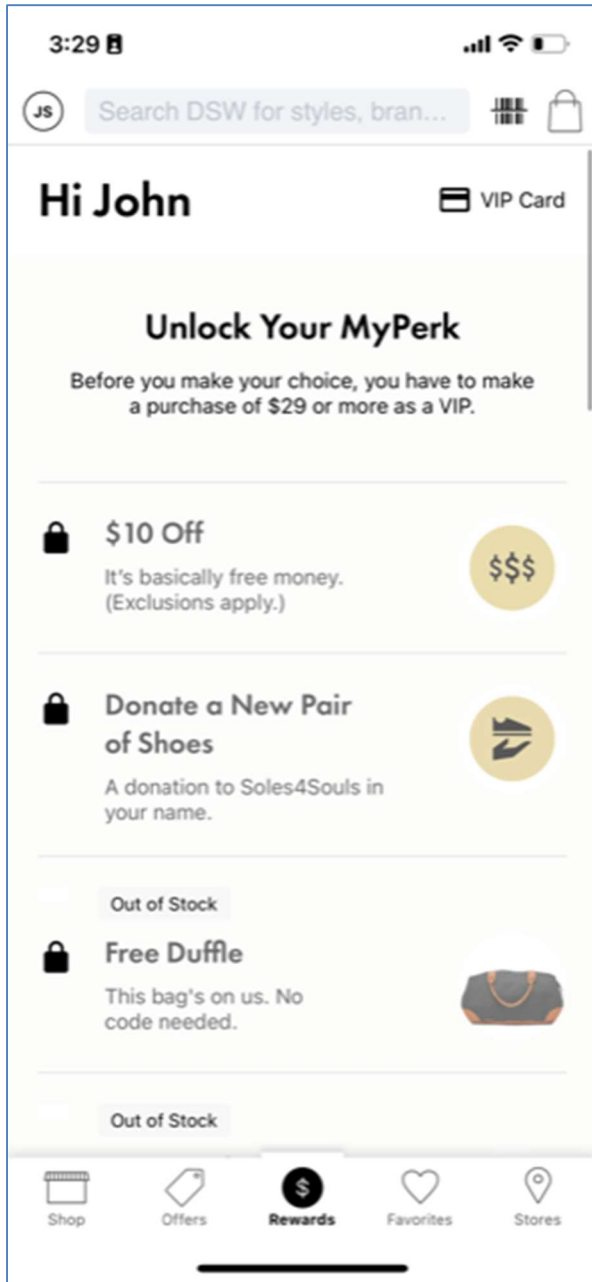
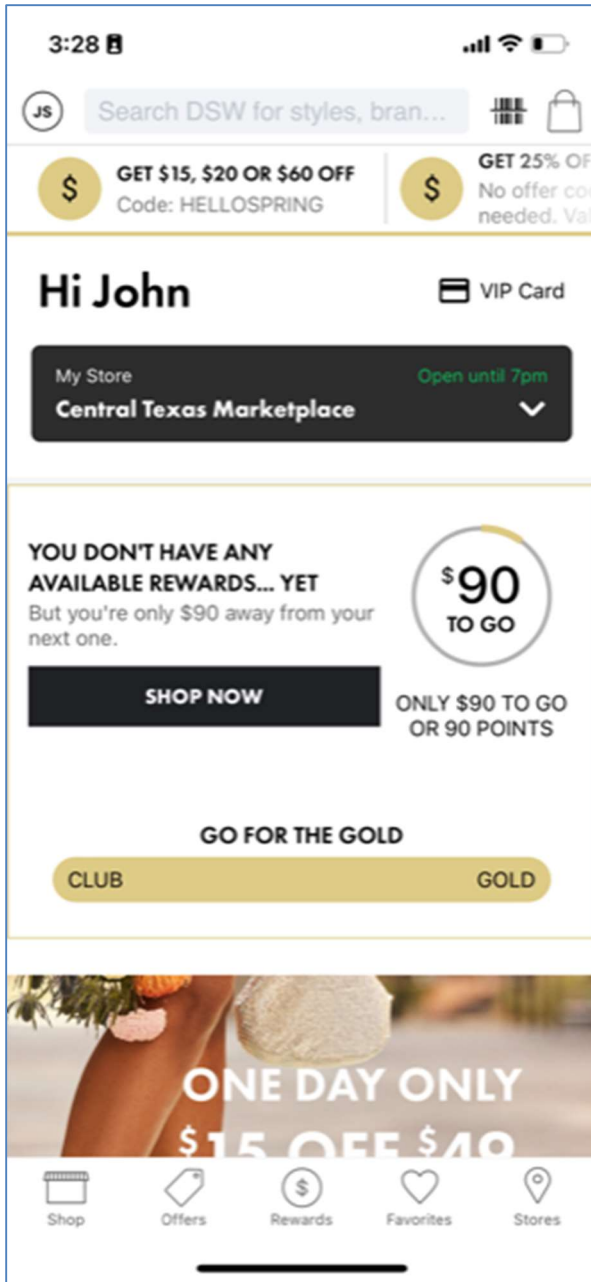
Zappos
Zappos.com
4.7★

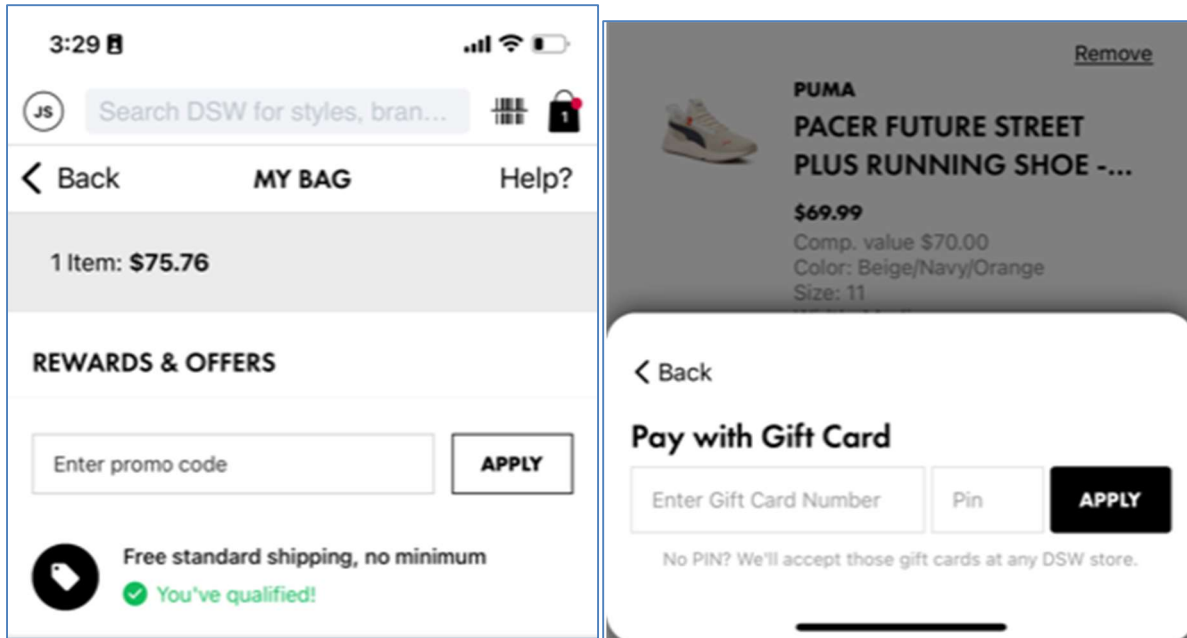
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See e.g., screenshots of the DSW iOS and Android Apps and features.

154. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of retrieving the at least one negotiable economic credit from the memory of the hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

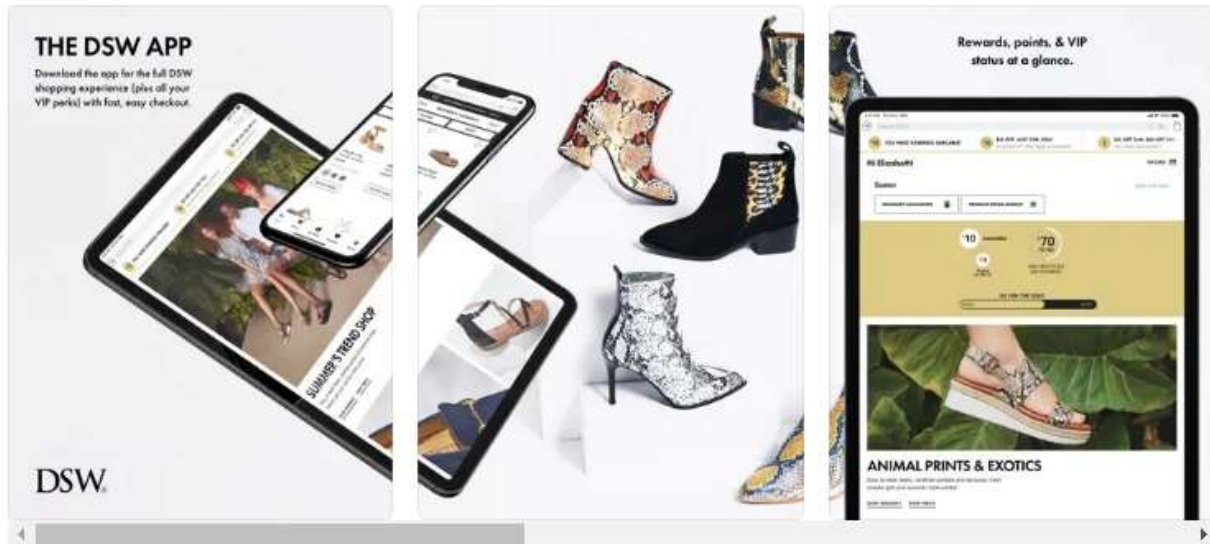
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DSW, Inc

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27.9K reviews

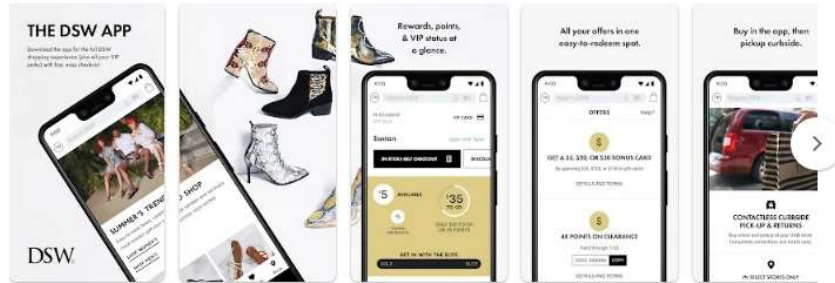
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Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
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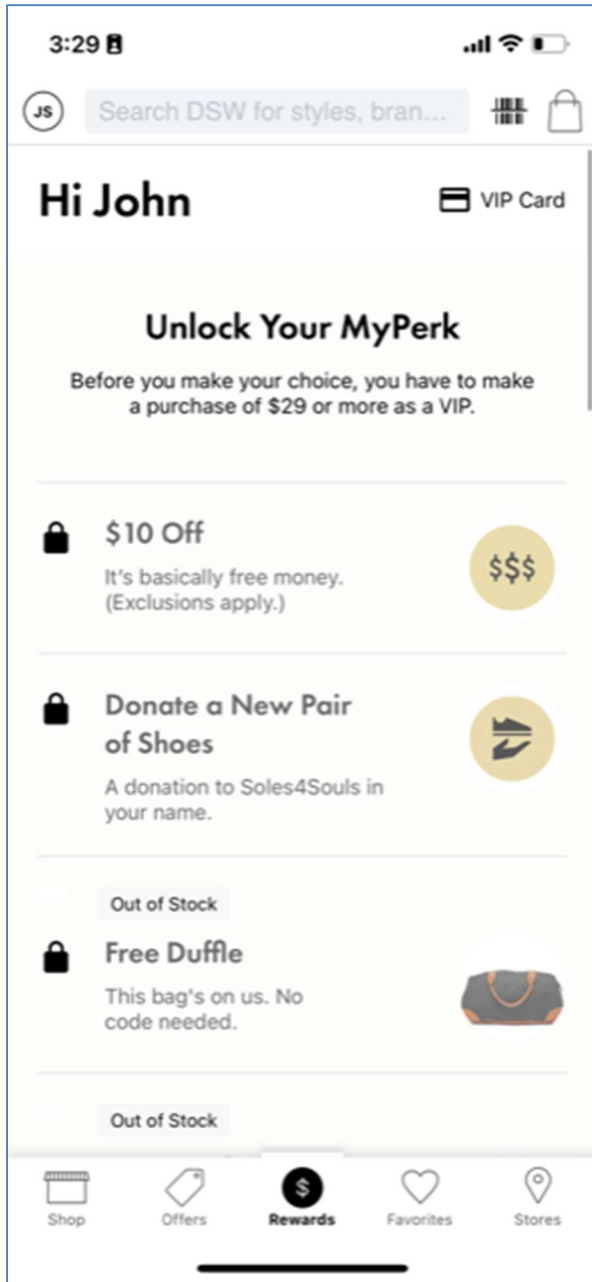
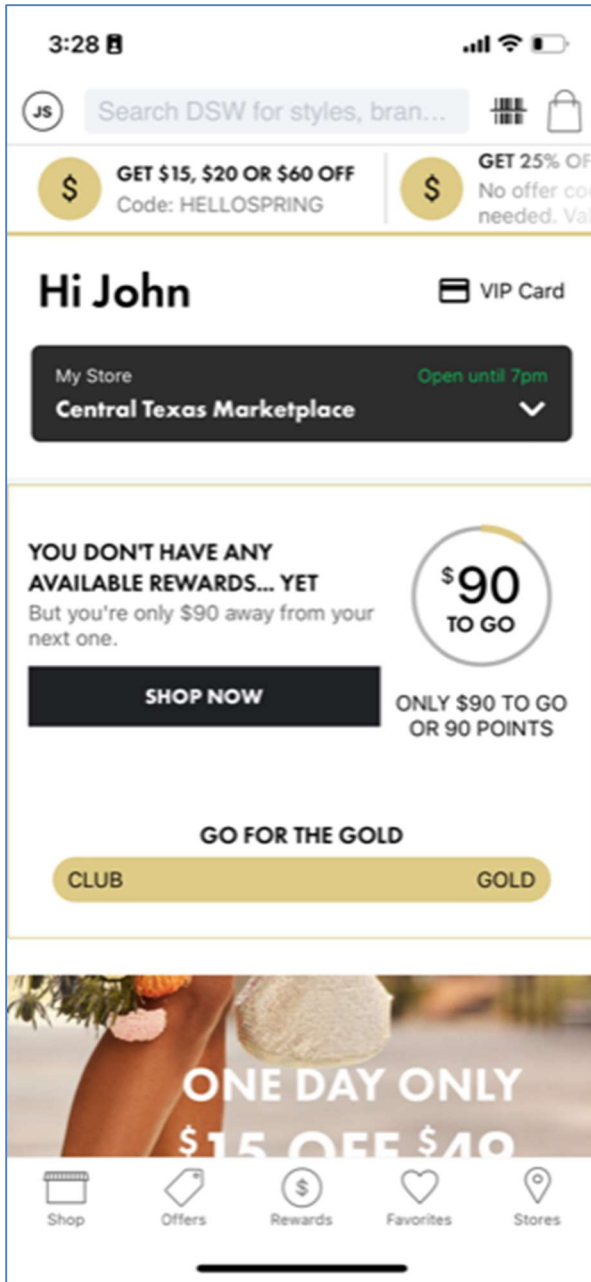
Zappos
Zappos.com
4.7★

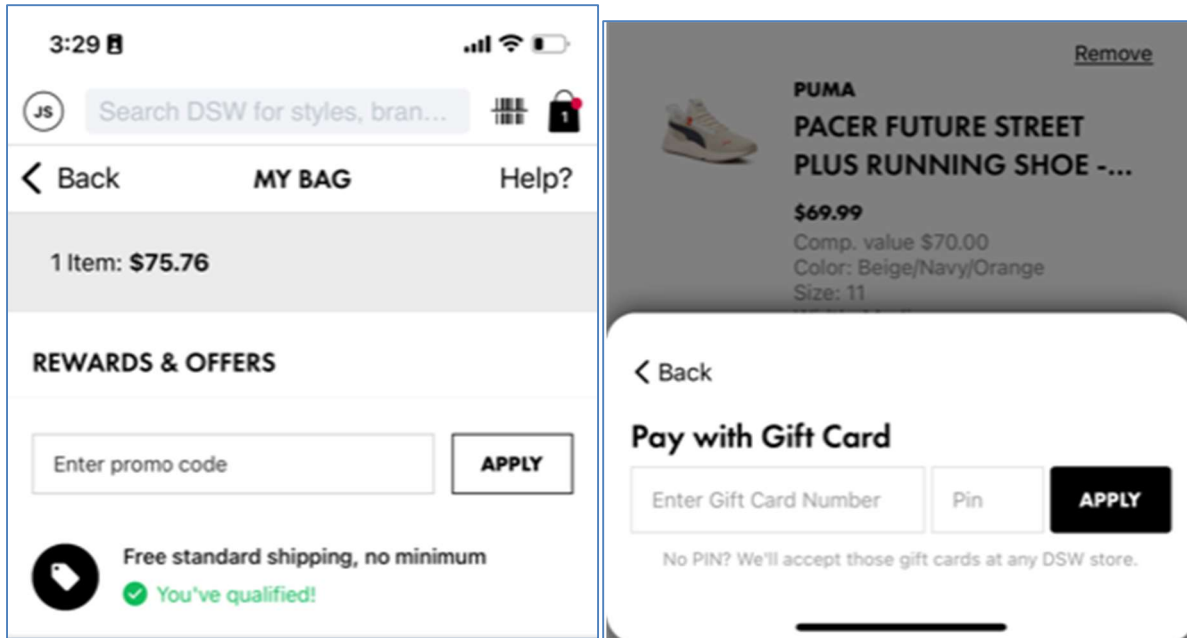
About this app

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The DSW Designer Shoe Warehouse app delivers a full shopping experience with fast, easy checkout. DSW VIP members can easily access account information, including available Rewards.

DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





See e.g., screenshots of the DSW iOS and Android Apps and features.

155. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of sending the at least one negotiable economic credit using the hand held device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

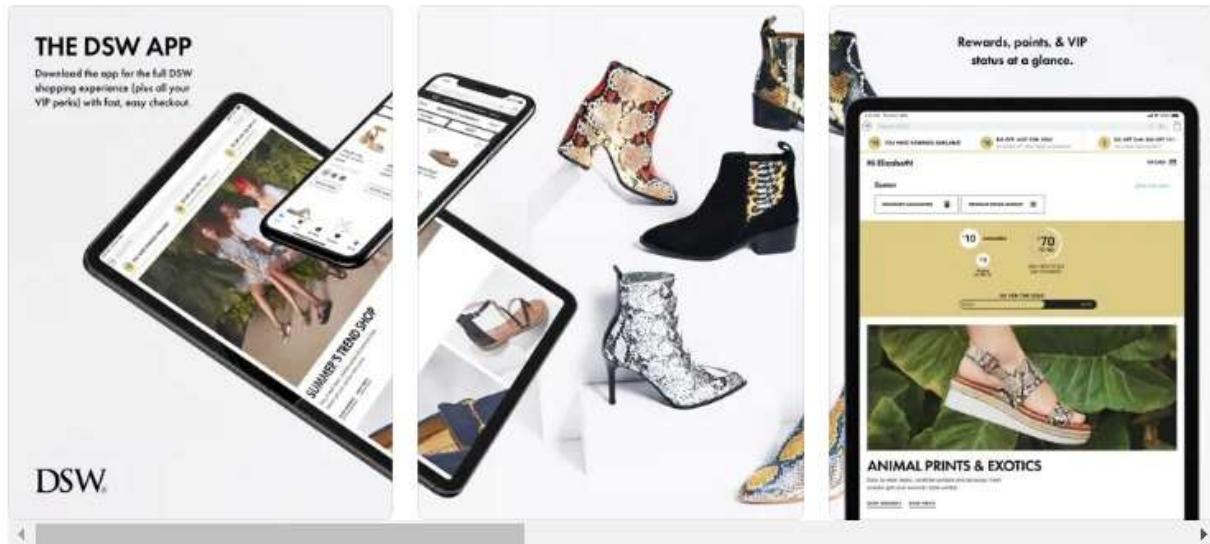
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#125 in Shopping

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- VIP access: Track your Rewards and points all in one place. Scan your VIP member card and other offers right from the app when in store (or use them directly in the app or online)
- In-store pick-up: See if the shoes you want are available before visiting your DSW store. Buy on the app and pick up in store!
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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

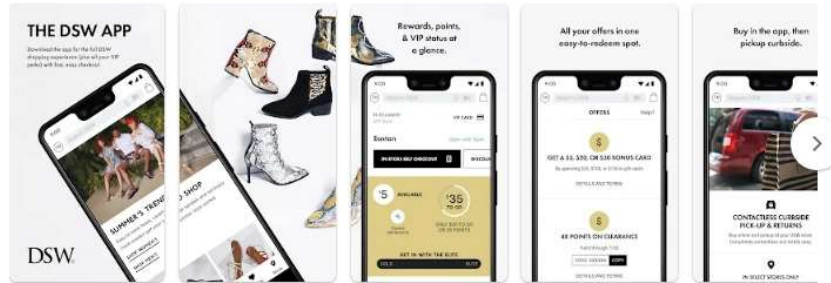
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4.7★



Famous Footwear - Shop Shoes
Caleres, Inc.
4.2★



Levi's
Levi's - Levi Strauss & Co.
4.7★



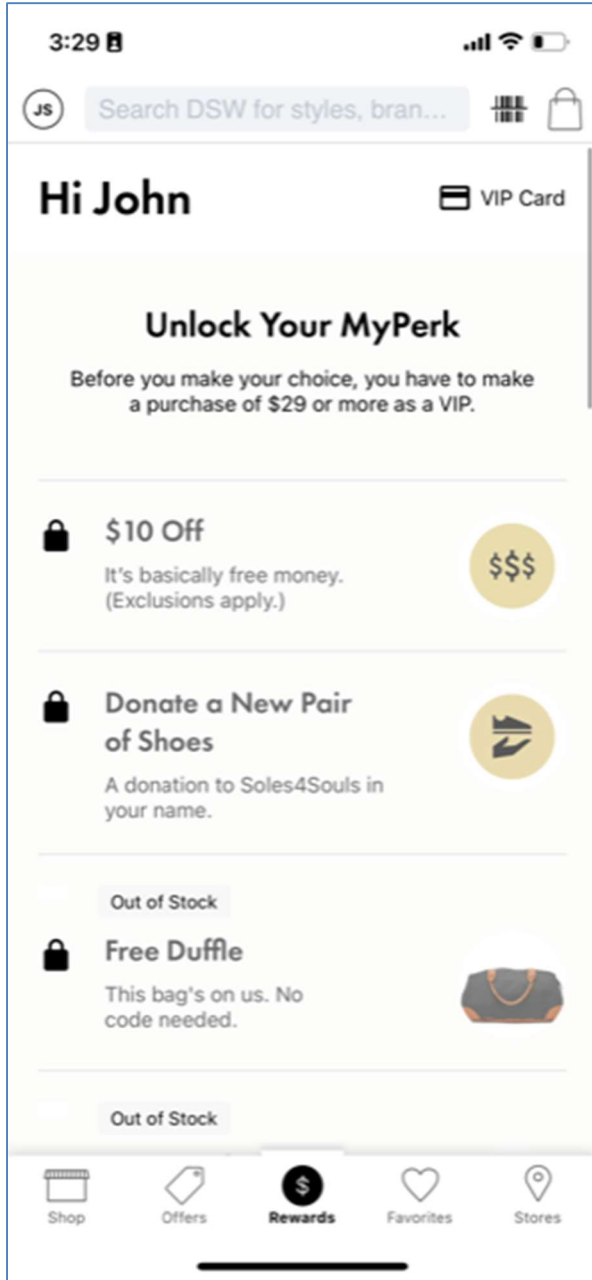
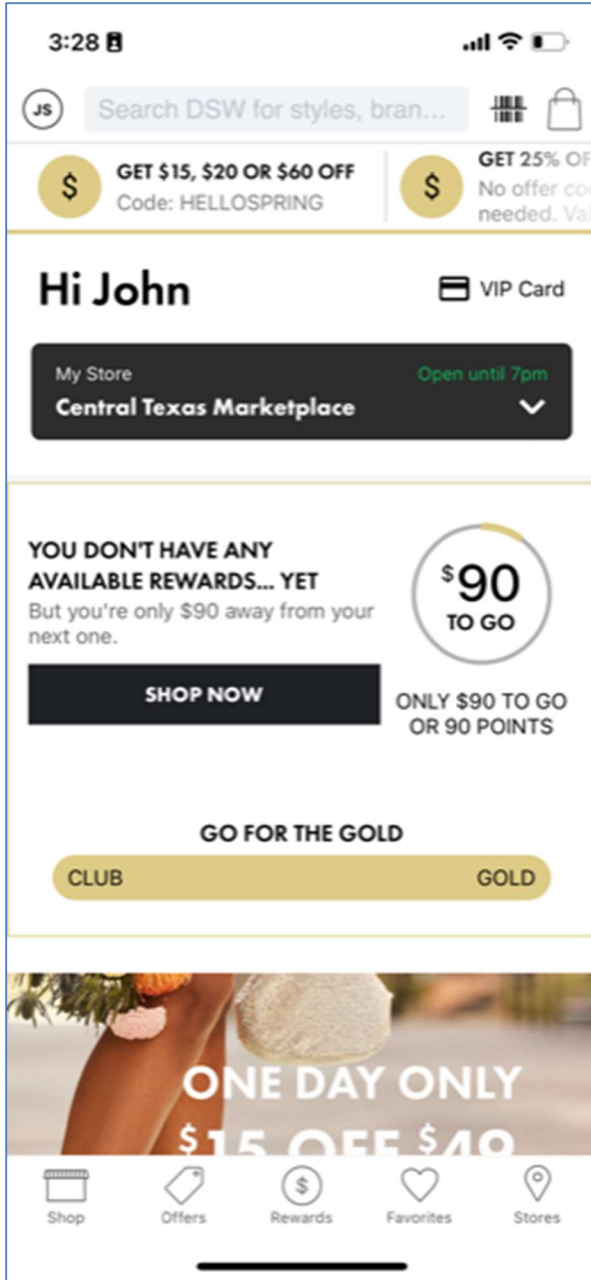
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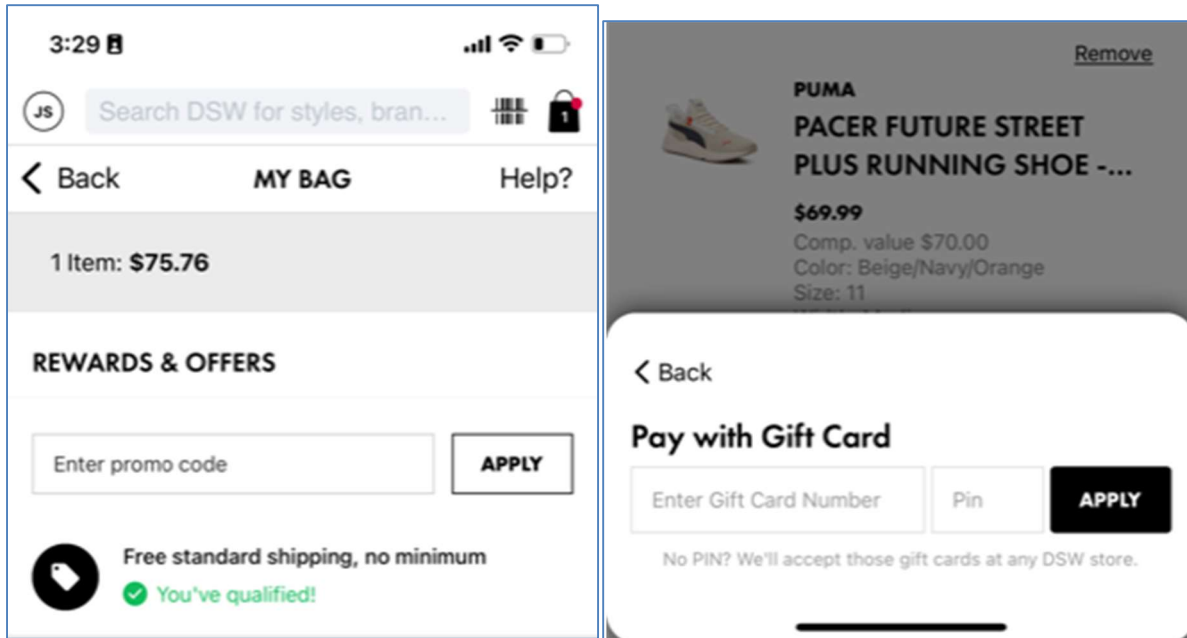
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156. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of after sending the at least one negotiable economic credit, receiving, at the hand held device, a message indicating a negotiable economic credit was utilized.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

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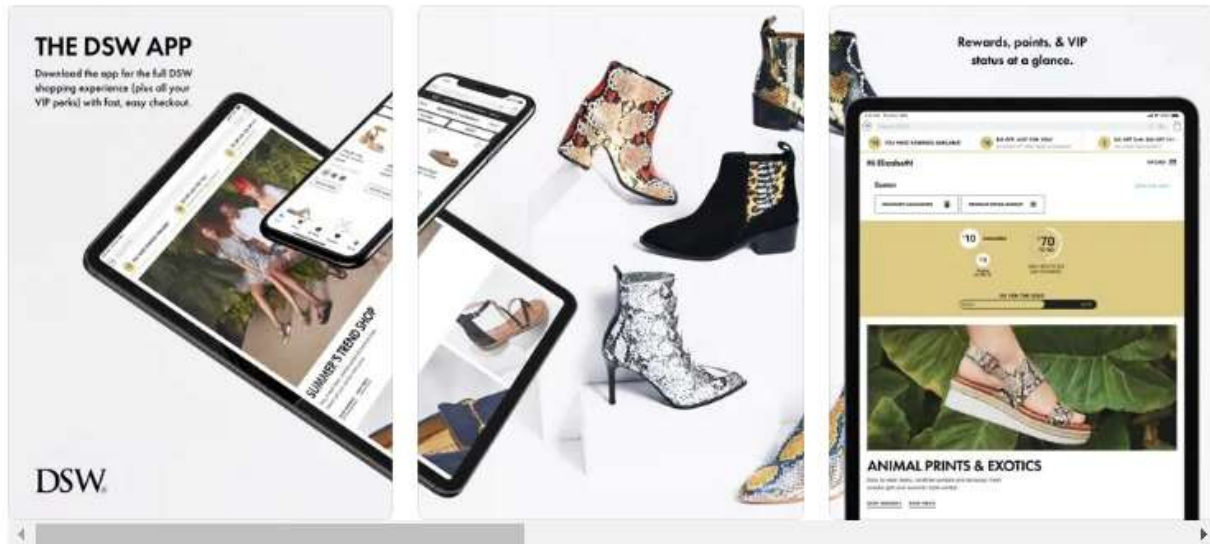
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DSW, Inc

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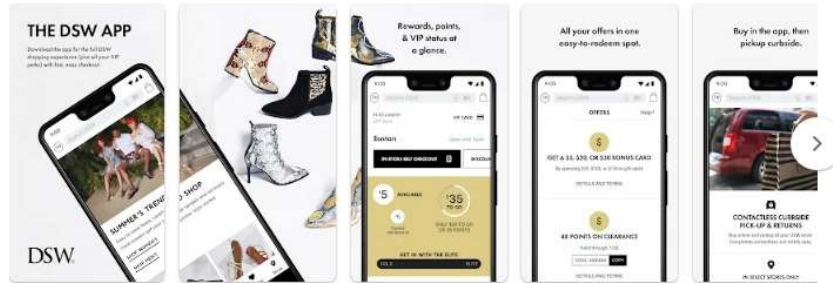
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4.2 ★



Levi's
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4.7 ★



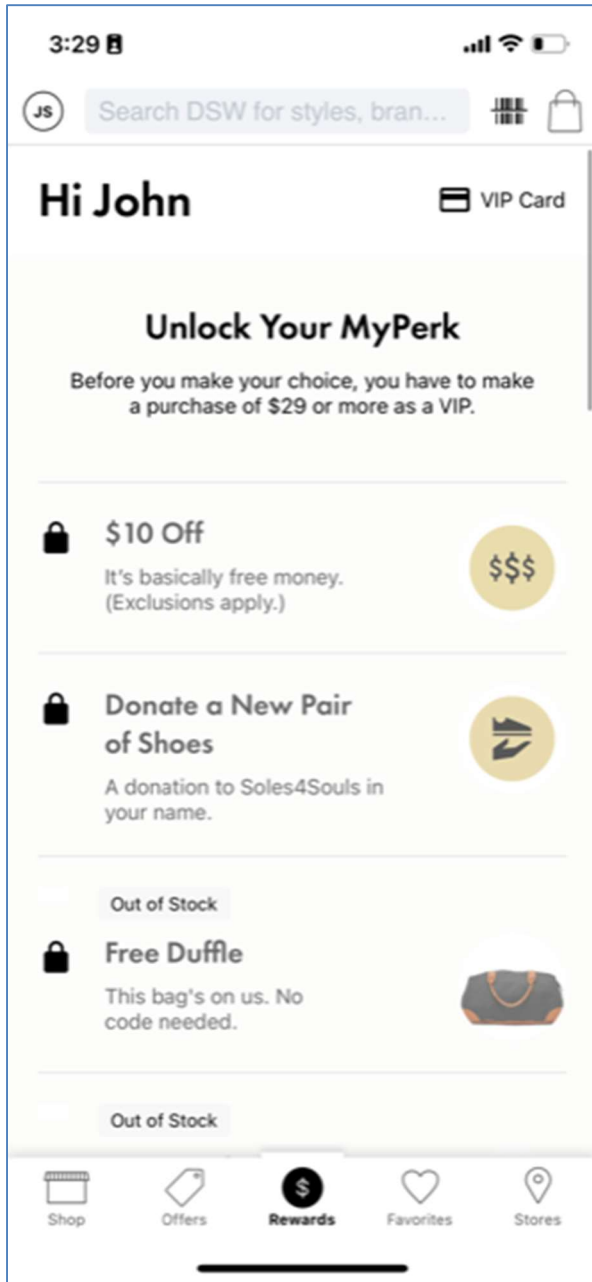
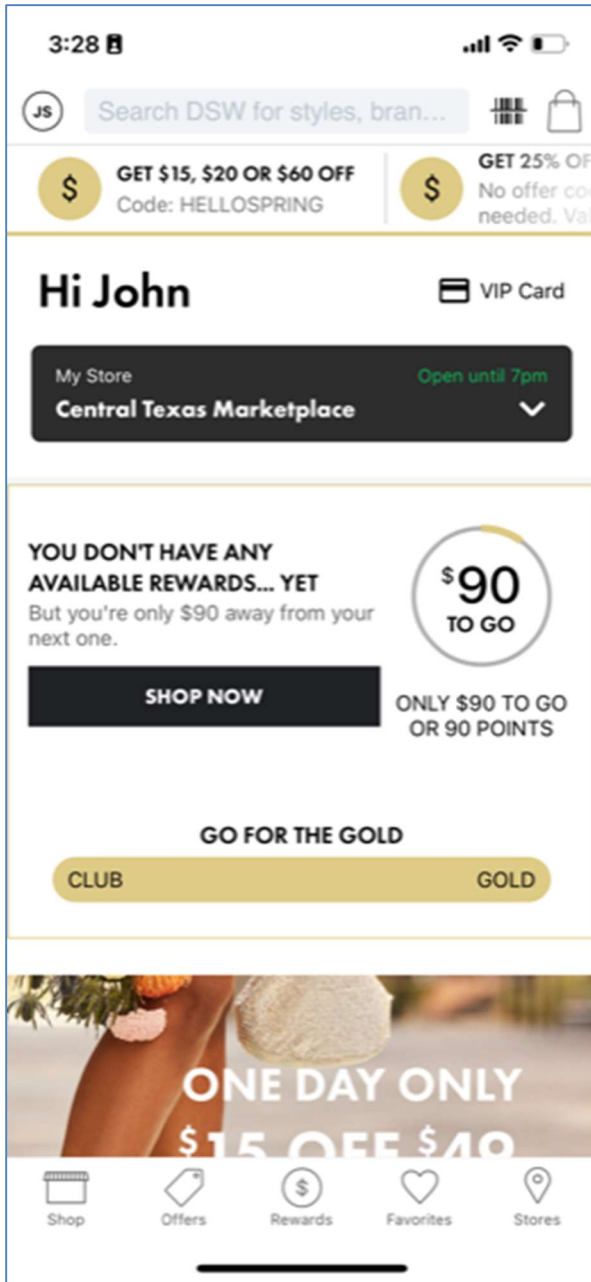
Zappos
Zappos.com
4.7 ★

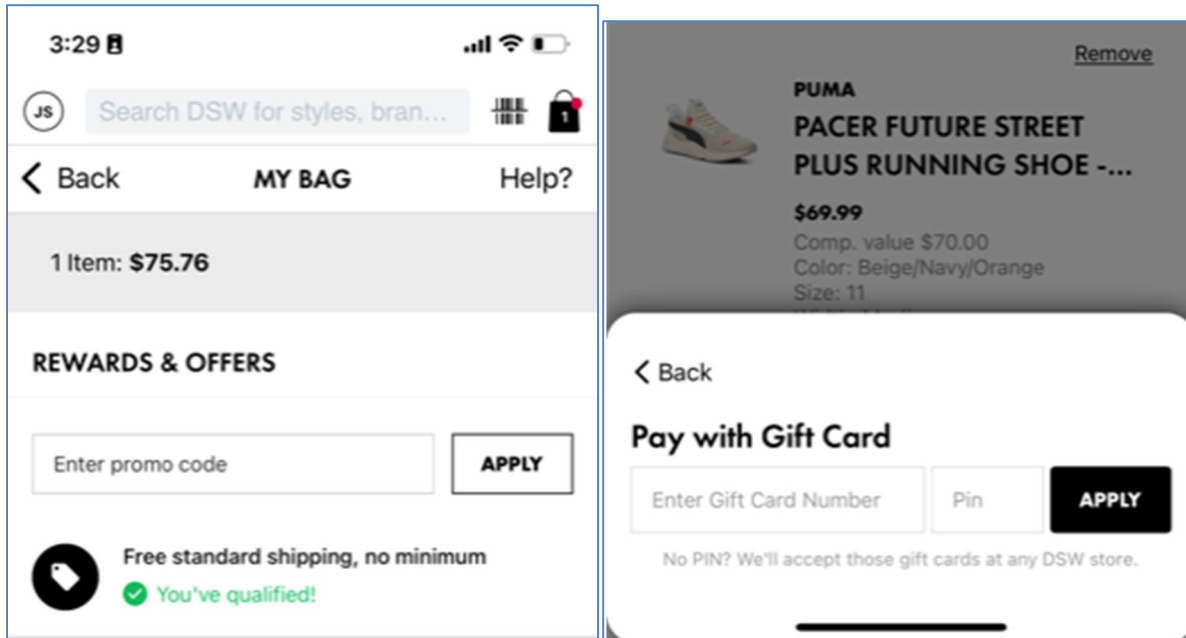
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See e.g., screenshots of the DSW iOS and Android Apps and features.

157. On information and belief, DSW directly infringed at least claim 22 of the '519 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

158. Advanced Transactions has been damaged by DSW's infringement and suffered damages as a result of this infringement.

Count VII - Infringement of United States Patent No. 9,747,608

159. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

160. On information and belief, DSW (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the DSW Marketing Products, and Services; and

makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the DSW Marketing System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claim 10 of the '608 patent.

161. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of an electronic, portable device, (*e.g.*, a smartphone with the DSW App installed) transmitting via a network connection, (*e.g.*, a cellular network connection, a DSW in-store WIFI connection, etc.) to a computer system, (*e.g.*, a DSW server) a request for issuing a data structure corresponding to an account associated with the electronic, portable device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

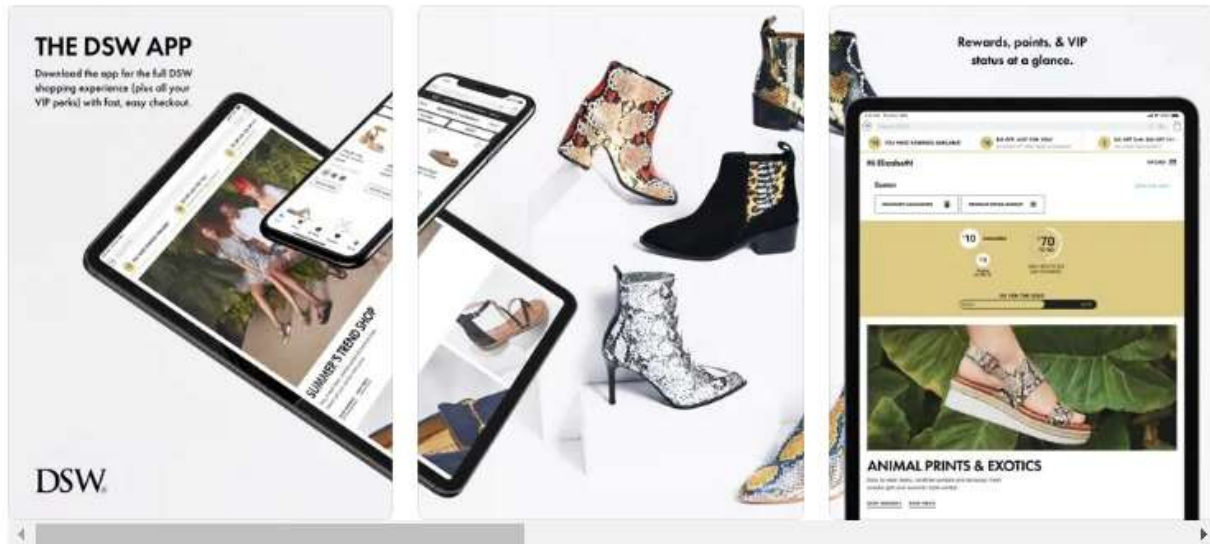
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★★★★★ 4.9 • 624.9K Ratings

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DSW Designer Shoe Warehouse

DSW, Inc

4.5★
27.9K reviews

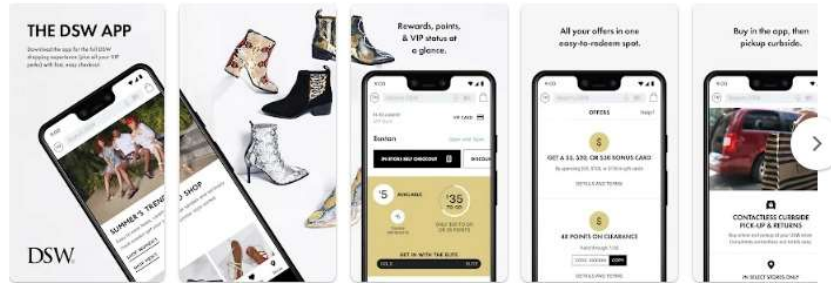
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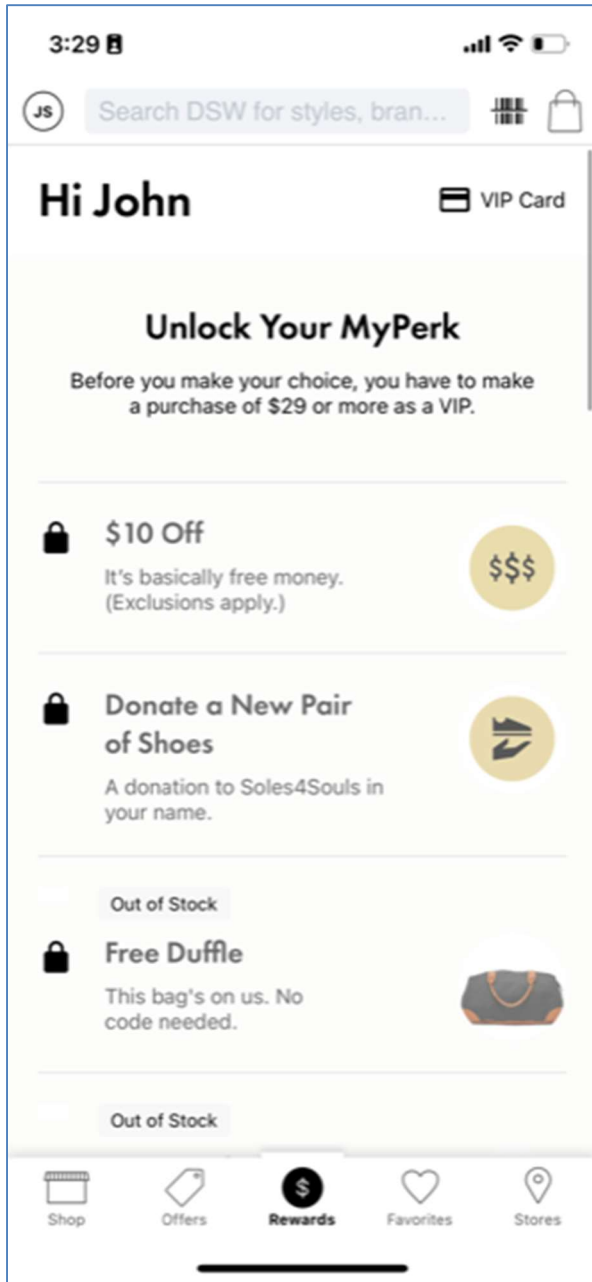
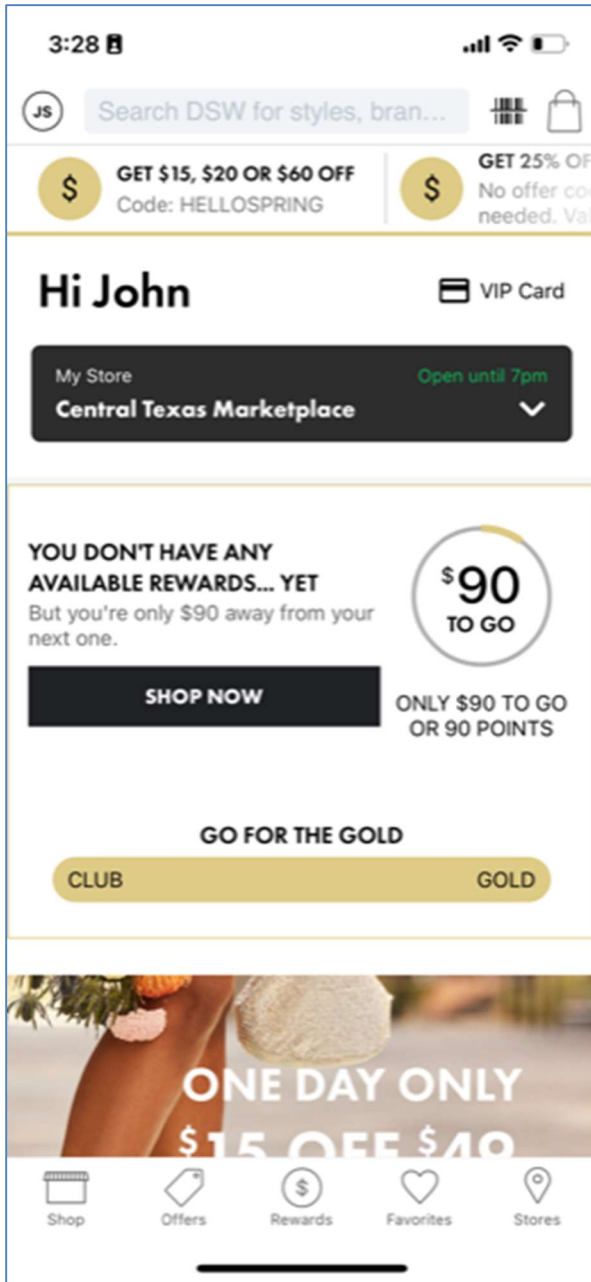
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Zappos.com
4.7★

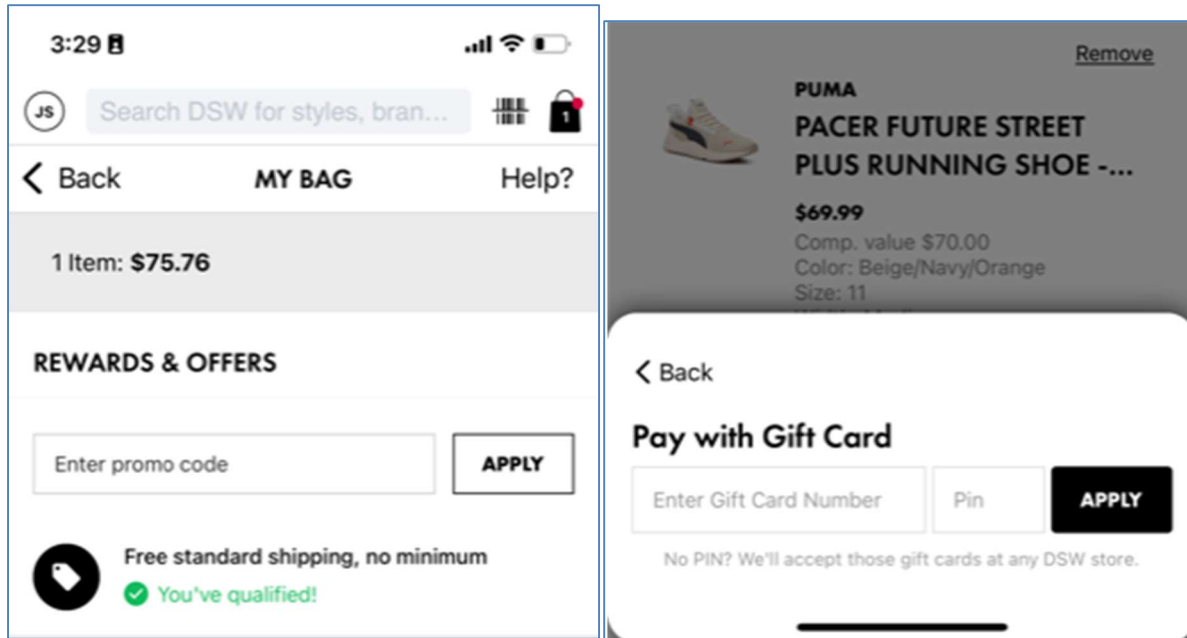
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See e.g., screenshots of the DSW iOS and Android Apps and features.

162. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of in response to the request, receiving, by the electronic, portable device, via the network connection, the data structure, wherein the data structure encodes information indicative of a particular item of negotiable economic credit (e.g., DSW Coupons, DSW Rewards, DSW Payment Wallet, DSW Gift Cards, etc.) through a wireless hand held device, (e.g., a smart phone with the DSW App installed) and further includes authentication information usable to authenticate the particular item of negotiable economic credit.



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Shop Shoes, Boots & Handbags

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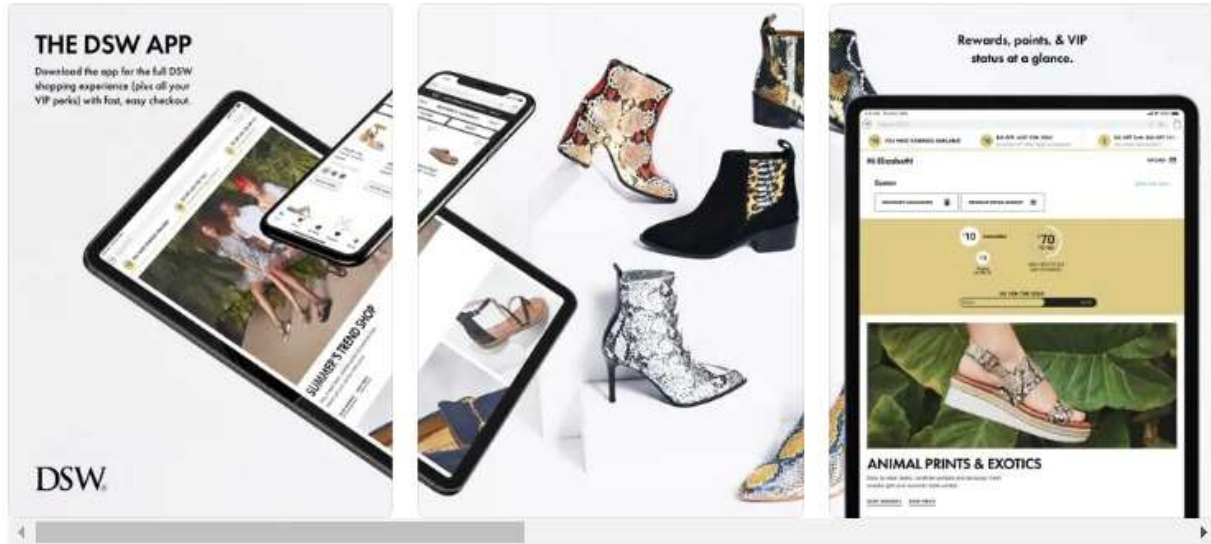
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DSW Designer Shoe Warehouse

DSW, Inc

4.5 ★
27.9K reviews

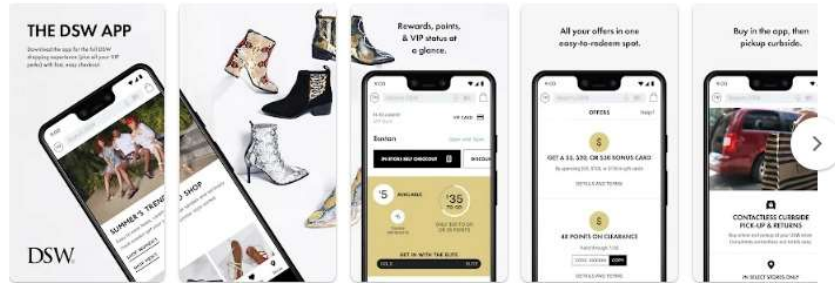
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Caleres, Inc.
4.2 ★



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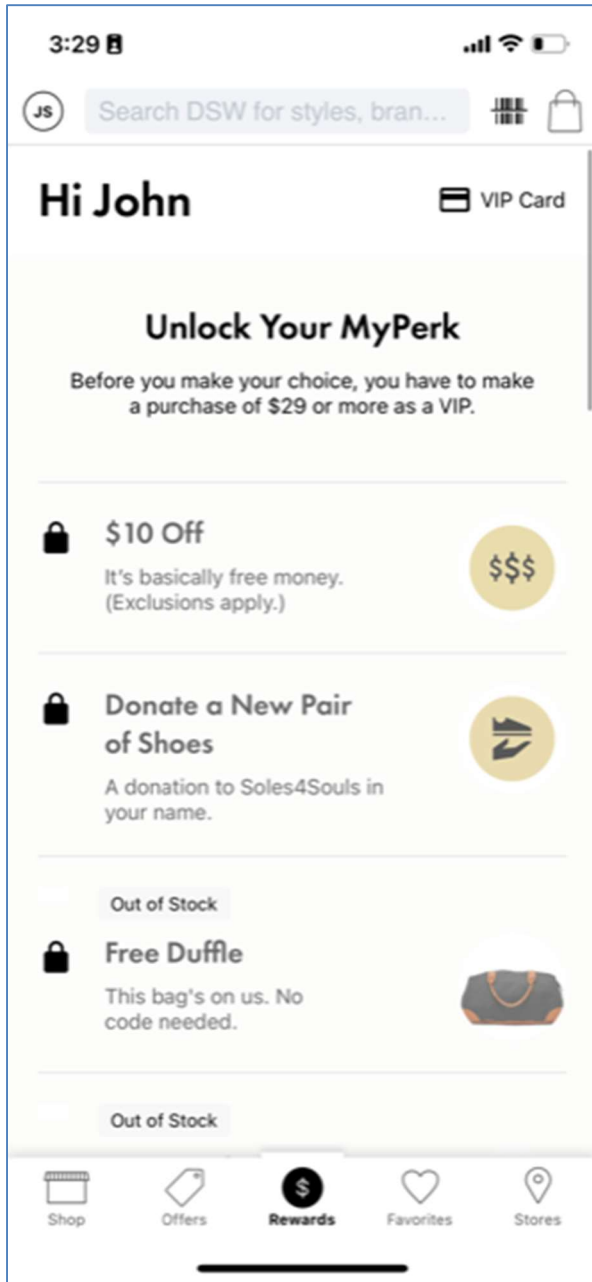
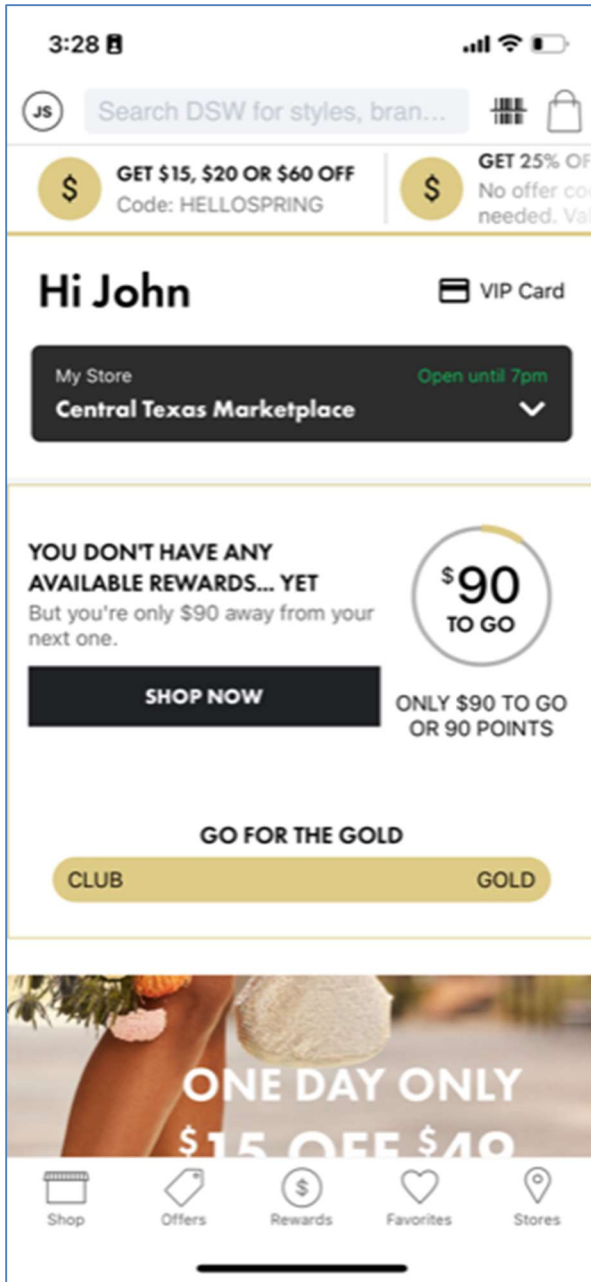
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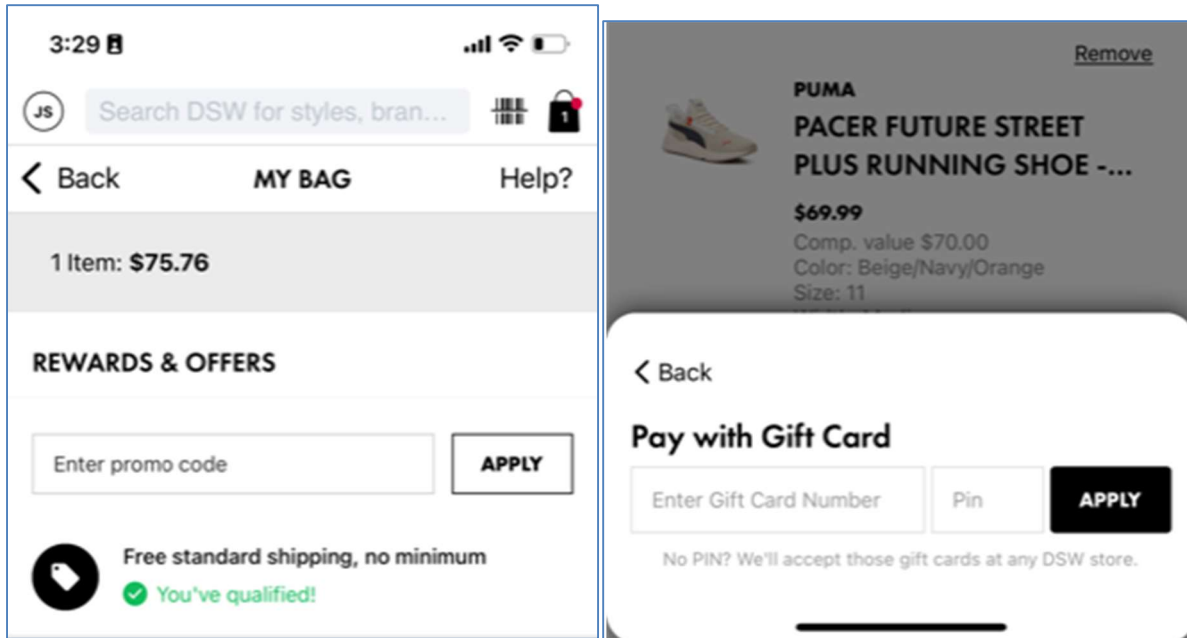
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See e.g., screenshots of the DSW iOS and Android Apps and features.

163. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of detecting, by the electronic, portable device, that a transaction has been initiated by a user for the electronic, portable device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

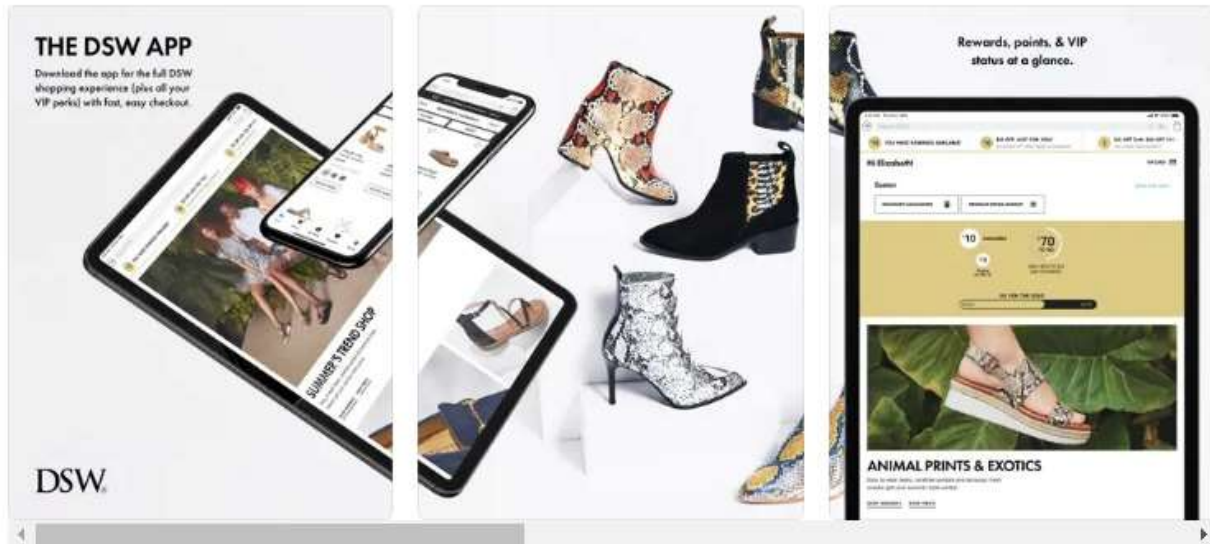
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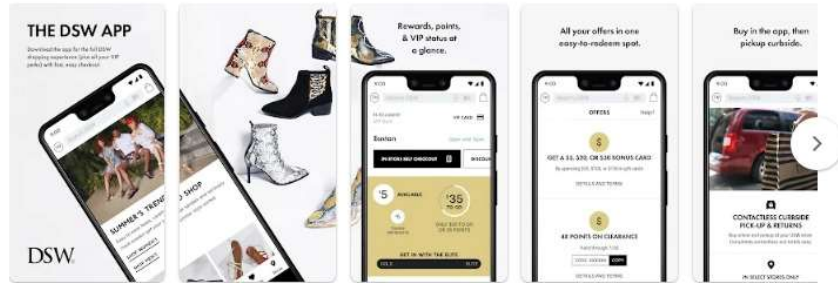
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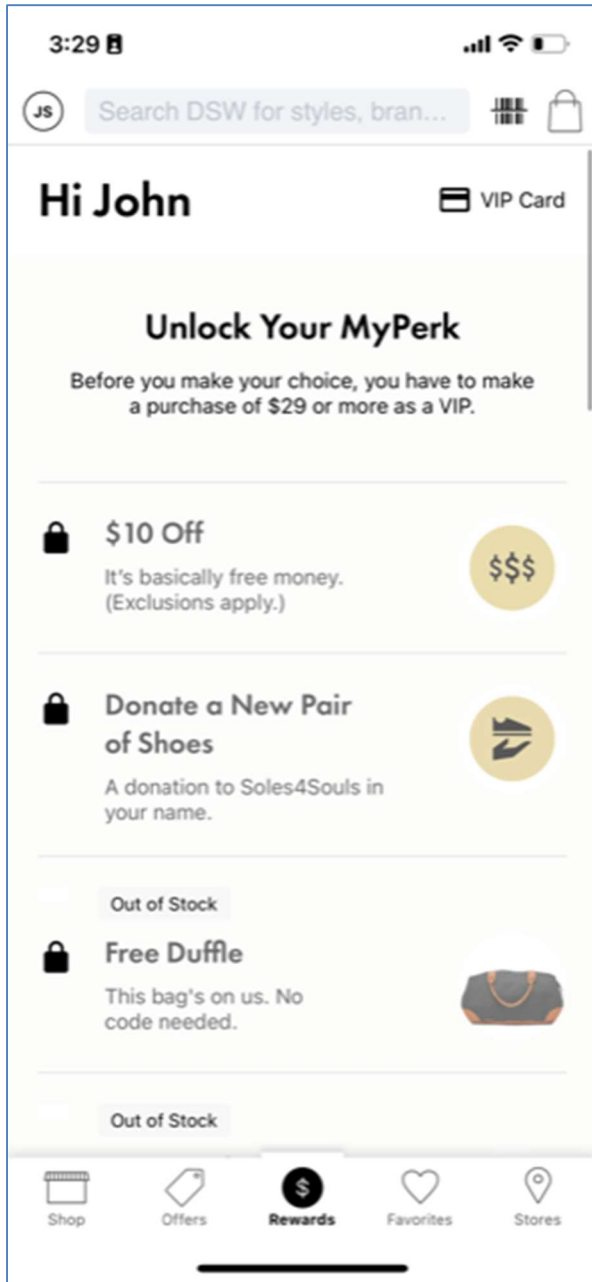
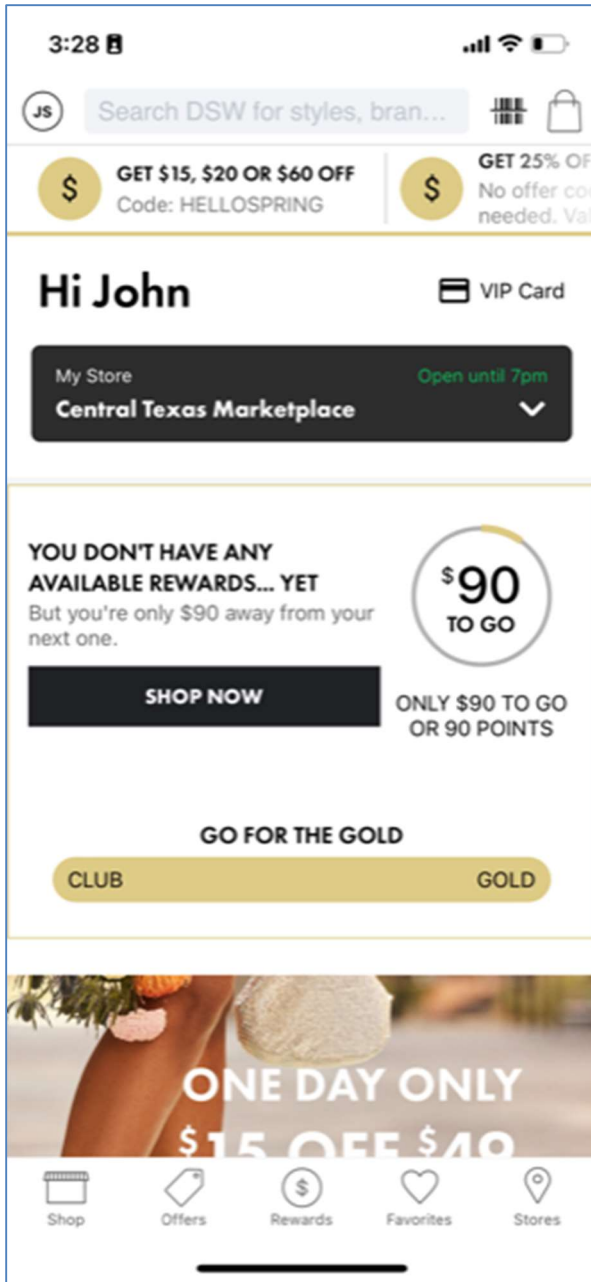
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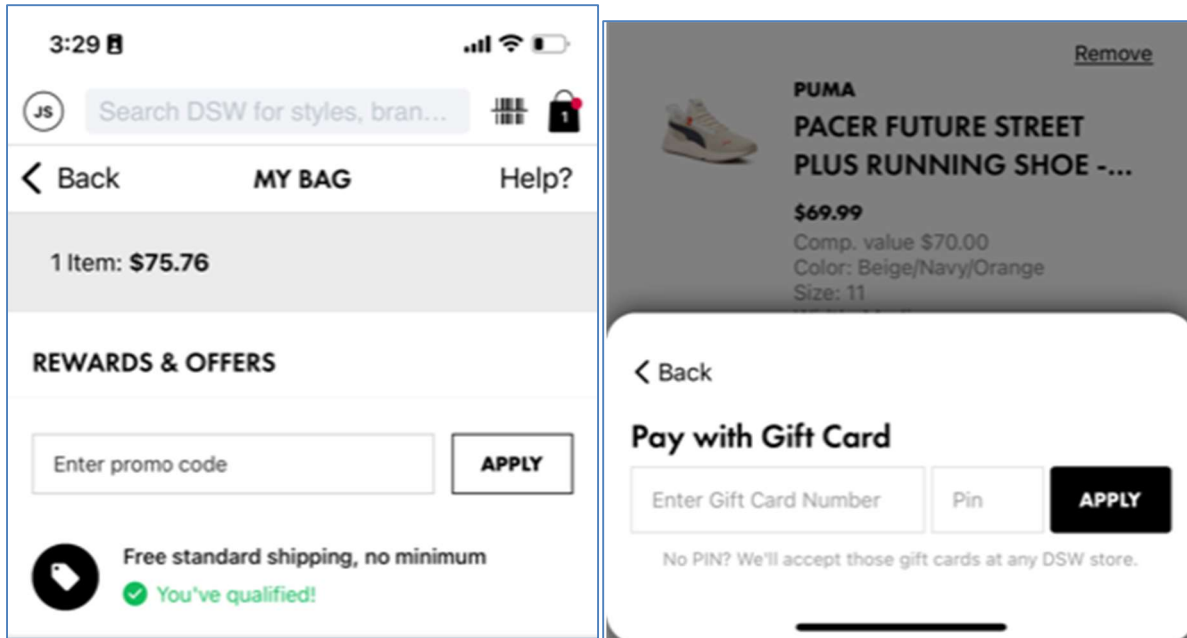
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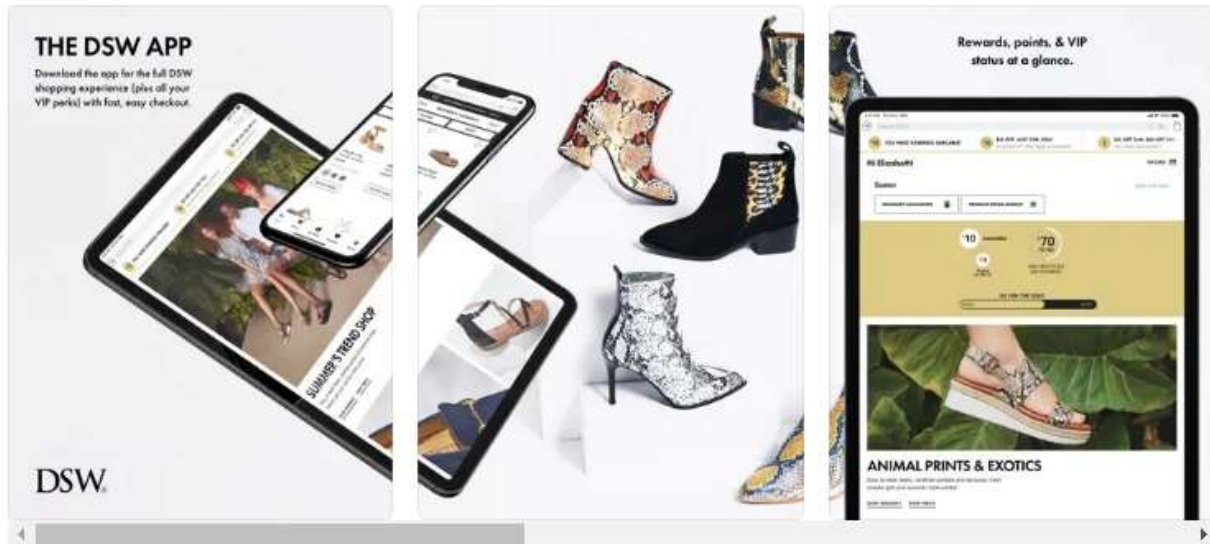
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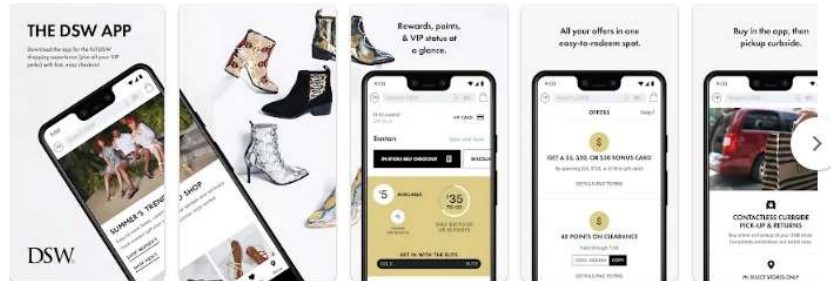
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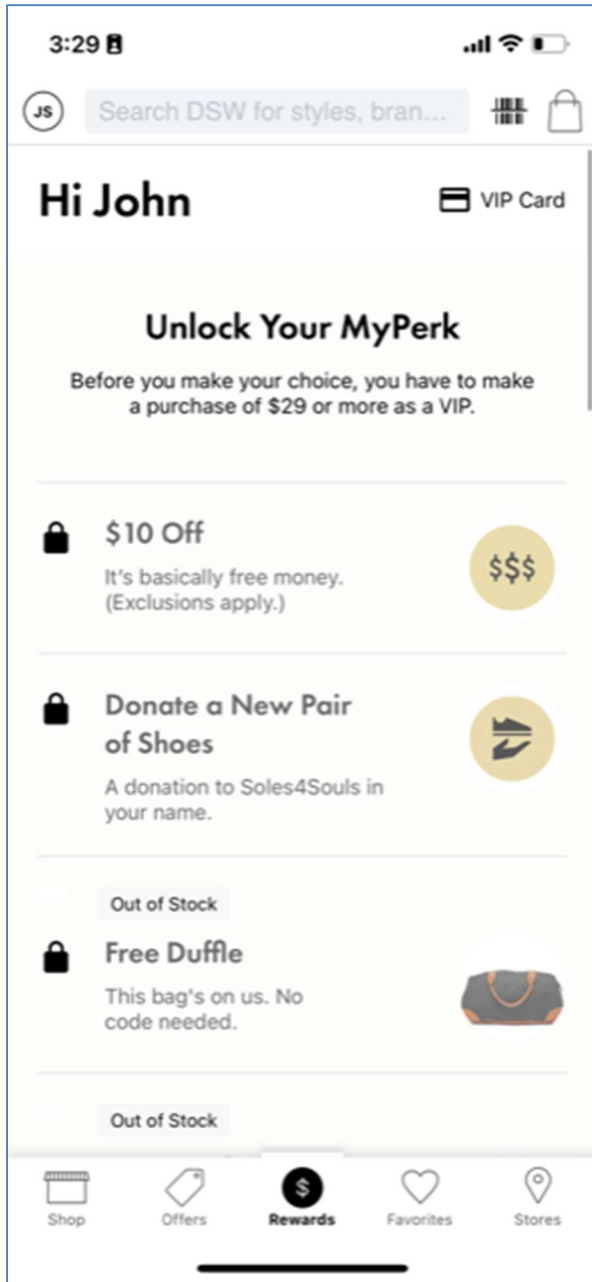
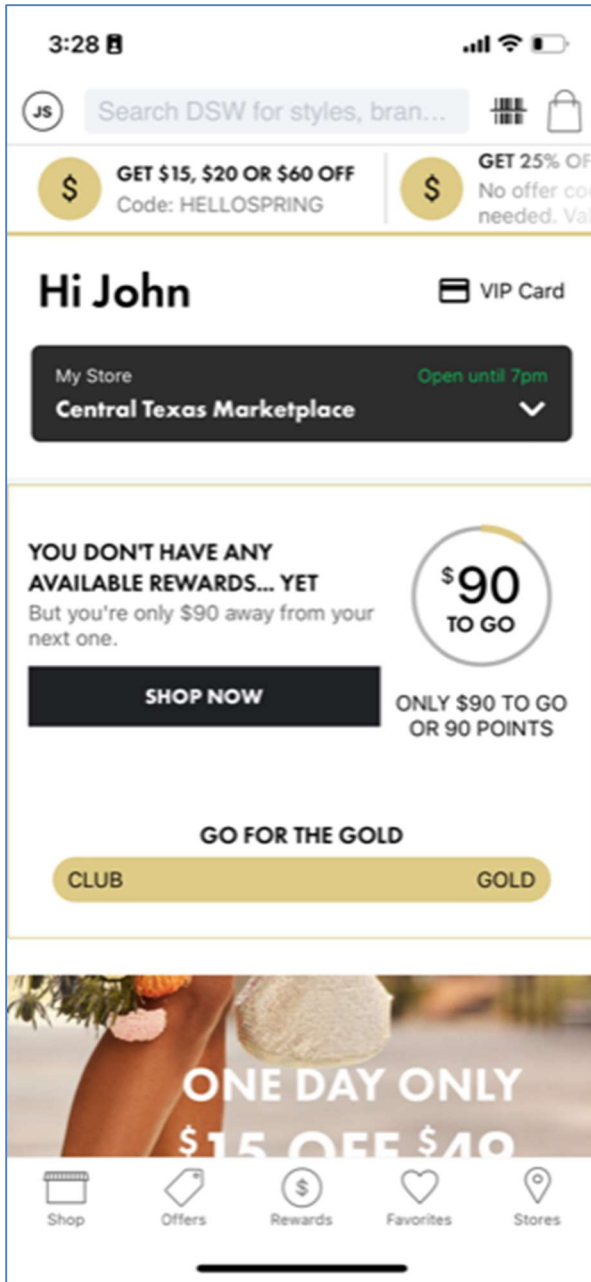
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4.7 ★
-  Zappos
Zappos.com
4.7 ★

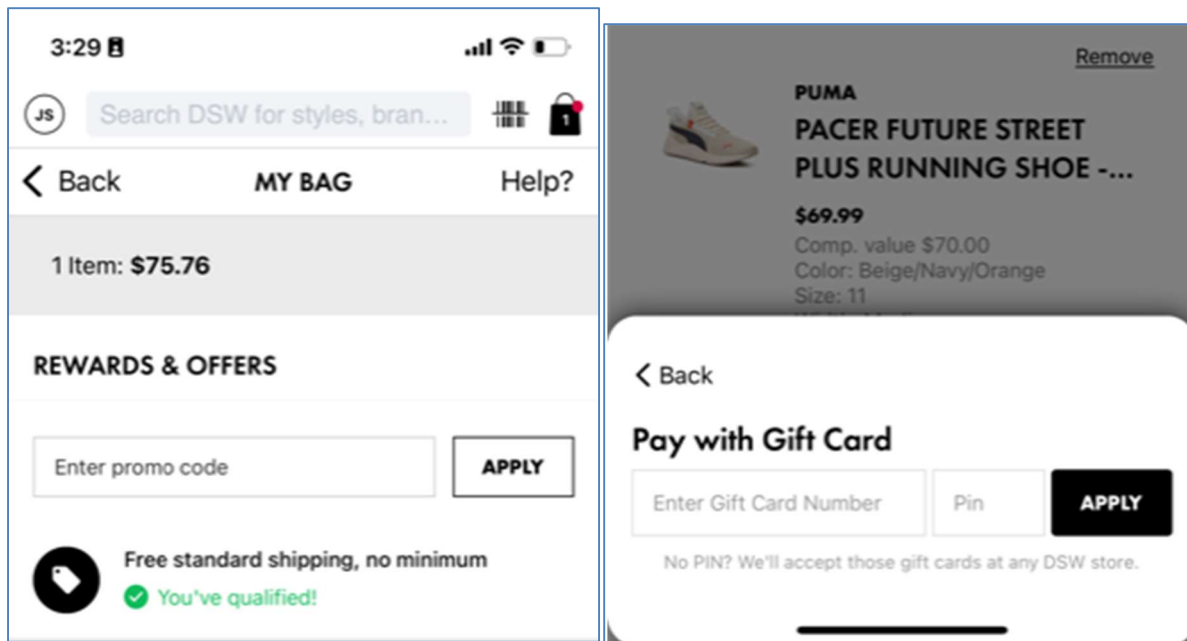
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166. On information and belief, DSW directly infringes at least claim 10 of the '608 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

167. On information and belief, DSW has been on notice of the '608 patent since at least as early as the March 2023 Notice Letter to DSW concerning its infringement of the Patents-in-Suit.

168. On information and belief, at least since the March 2023 Notice Letter, DSW knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '608 patent, including by DSW's actions that include, without limitation, instructing and encouraging its customers to use the DSW iOS and Android Apps, including but not limited to the examples of such materials cited above.

169. On information and belief, at least since the March 2023 Letter regarding the Patents-in-Suit, DSW knows the acts it induced its customers to take constitute patent infringement and DSW's encouraging acts result in direct infringement of one or more claims of the '608 patent by its customers.

170. On information and belief, DSW instructs and continues to instruct customers to use the DSW Marketing Products and Services including, without limitation, through DSW's website, which provides access to, and support for, the DSW iOS and Android Apps.

171. On information and belief, DWS's customers directly infringe at least claim 10 of the '608 patent through their use of the DSW Marketing Products and Services.

172. On information and belief, DSW is in violation of 35 U.S.C. § 271(b) and has been, at least since its March 2023 knowledge of the '608 patent, indirectly infringing and continues to indirectly infringe at least claim 10 of the '608 patent by

knowingly and specifically intending to induce infringement by others (including, without limitation, DSW's customers) and possessing specific intent to encourage infringement by DSW's users of the iOS and Android Apps. The components of DSW's Marketing Products and Services, including its iOS and Android Apps, are specifically configured to function in accordance with the '608 patent claims and are material parts of the invention.

173. DSW's direct and indirect infringement has damaged Advanced Transactions and caused it to suffer and continue to suffer irreparable harm and damages.

Count VIII - Infringement of United States Patent No. 10,783,529

174. Advanced Transactions repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

175. On information and belief, DSW (or those acting on its behalf) made, used, sold, imported and/or offered to sell the DSW Marketing Products, and Services; and made, used, sold, sold access to, imported, offered to sell and/or offered to sell access to the DSW Marketing System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claim 8 of the '529 patent.

176. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of storing, by an electronic, portable device, (*e.g.*, a smartphone with the DSW App installed) a data structure, wherein the data structure encodes information indicative of a particular item of negotiable economic credit (*e.g.*, DSW Coupons, DSW Rewards, DSW Payment

Wallet, DSW Gift Cards, *etc.*) through a wireless hand held device, (*e.g.*, a smart phone with the DSW App installed) and further includes authentication information usable to authenticate the particular item of negotiable economic credit.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

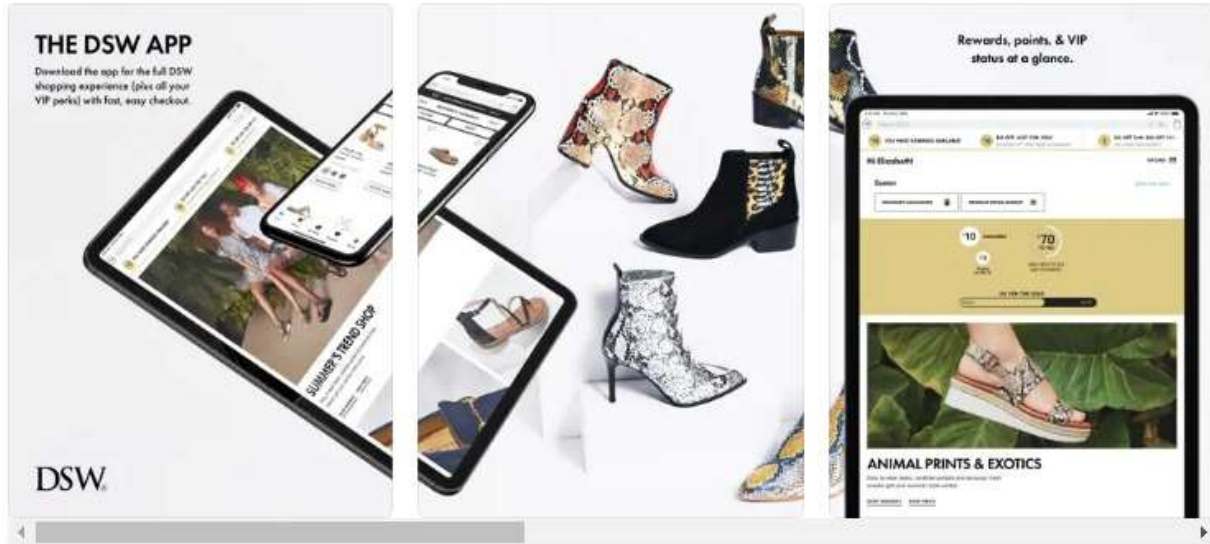
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The DSW Designer Shoe Warehouse app delivers a full shopping experience with fast, easy checkout. DSW VIP members can easily access account information, including available Rewards.

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- **VIP access:** Track your Rewards and points all in one place. Scan your VIP member card and other offers right from the app when in store (or use them directly in the app or online)
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DSW Designer Shoe Warehouse

DSW, Inc

4.5 ★
27.9K reviews

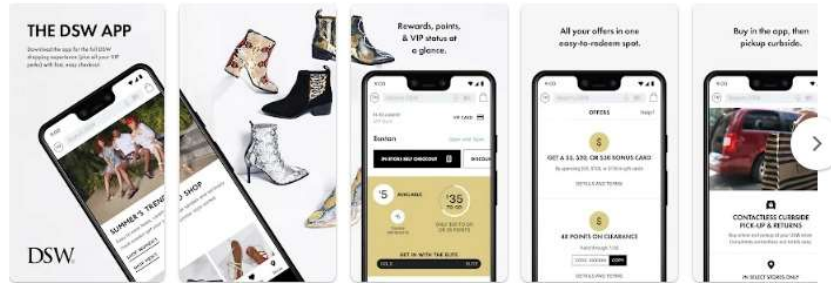
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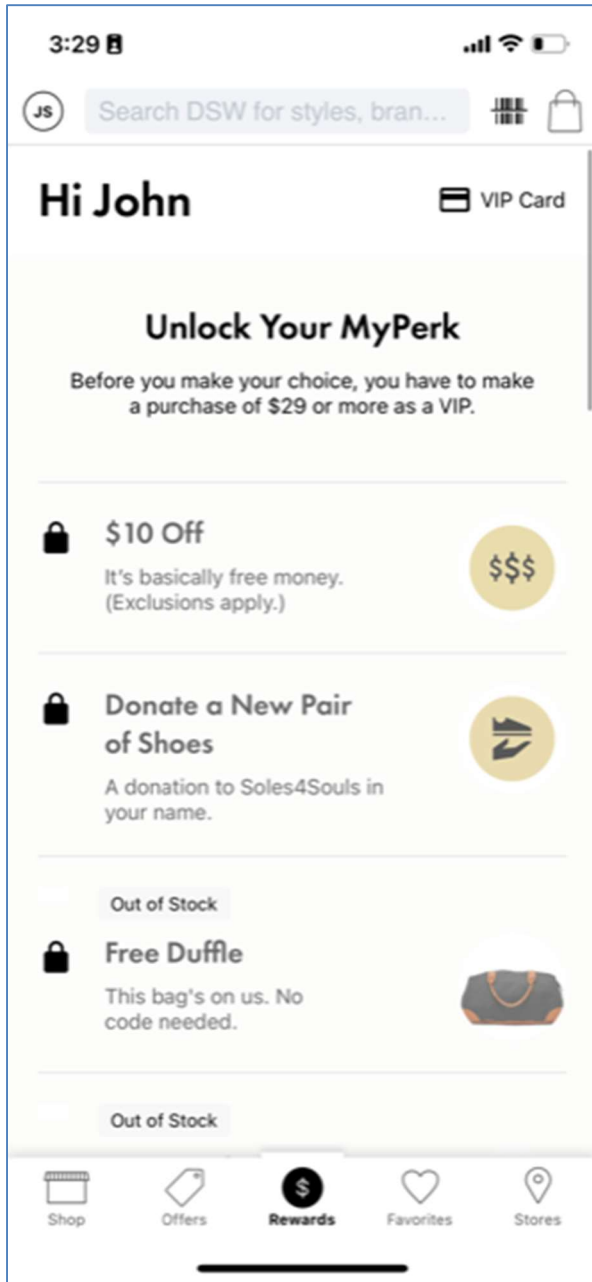
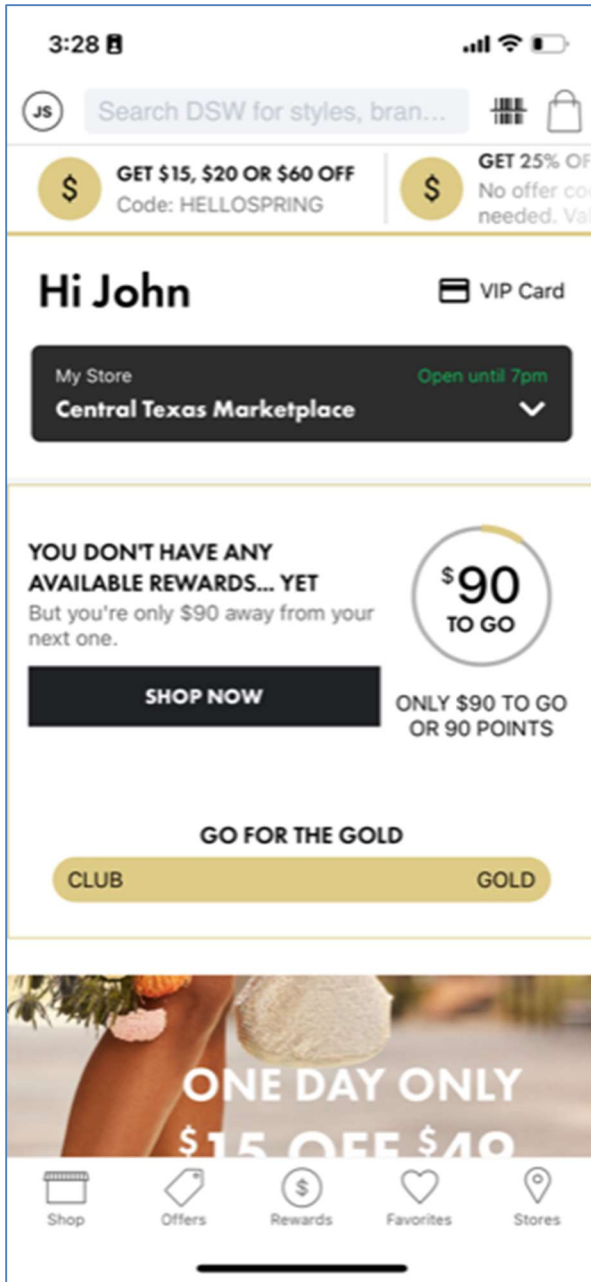
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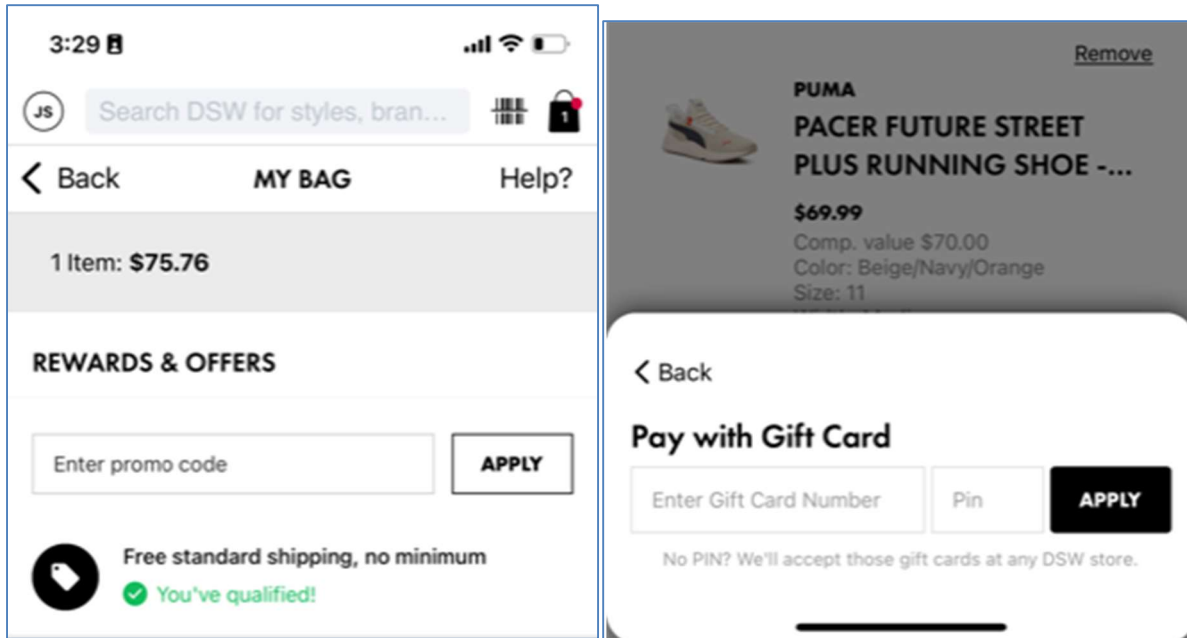
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DSW has thousands of shoes, handbags and accessories for women, men and kids - all at your fingertips! Download the free DSW...





See e.g., screenshots of the DSW iOS and Android Apps and features.

177. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of detecting, by the electronic, portable device, that a transaction has been initiated by a user of the electronic, portable device.



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Shop Shoes, Boots & Handbags

DSW Inc

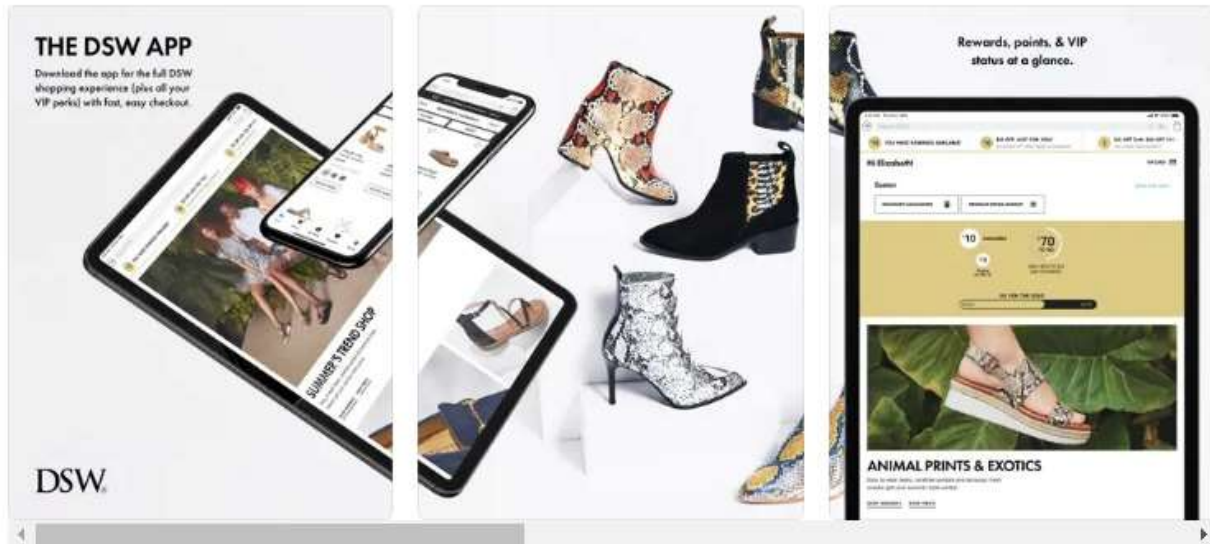
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DSW, Inc

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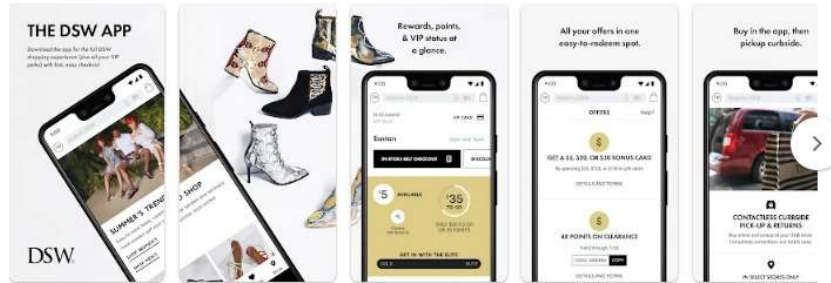
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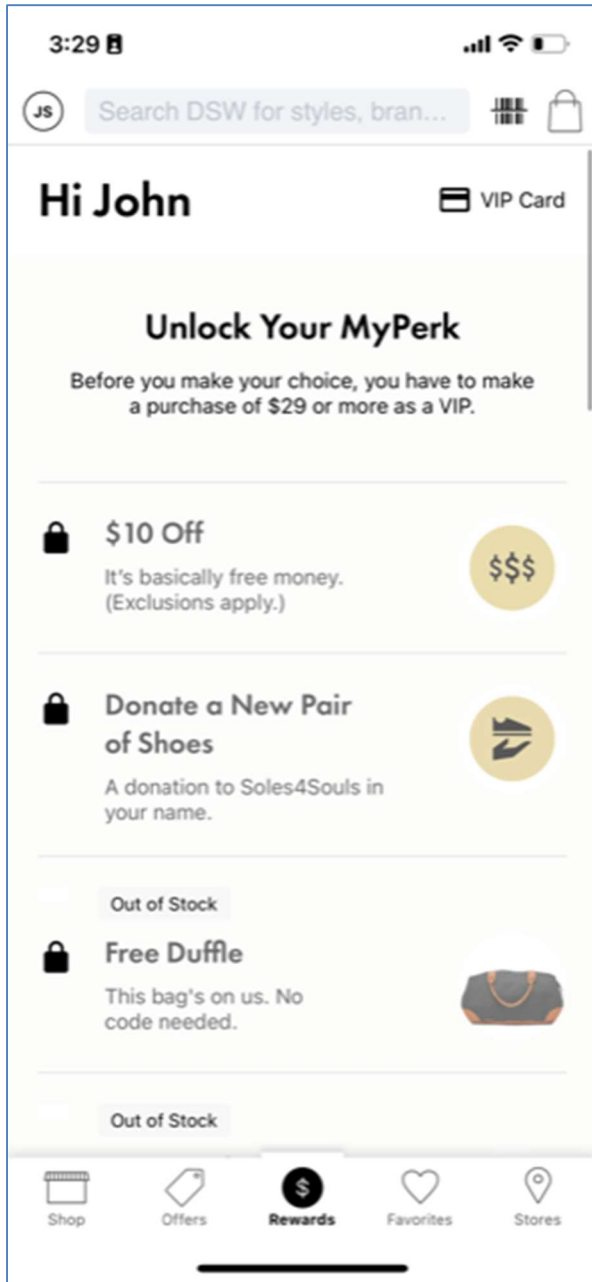
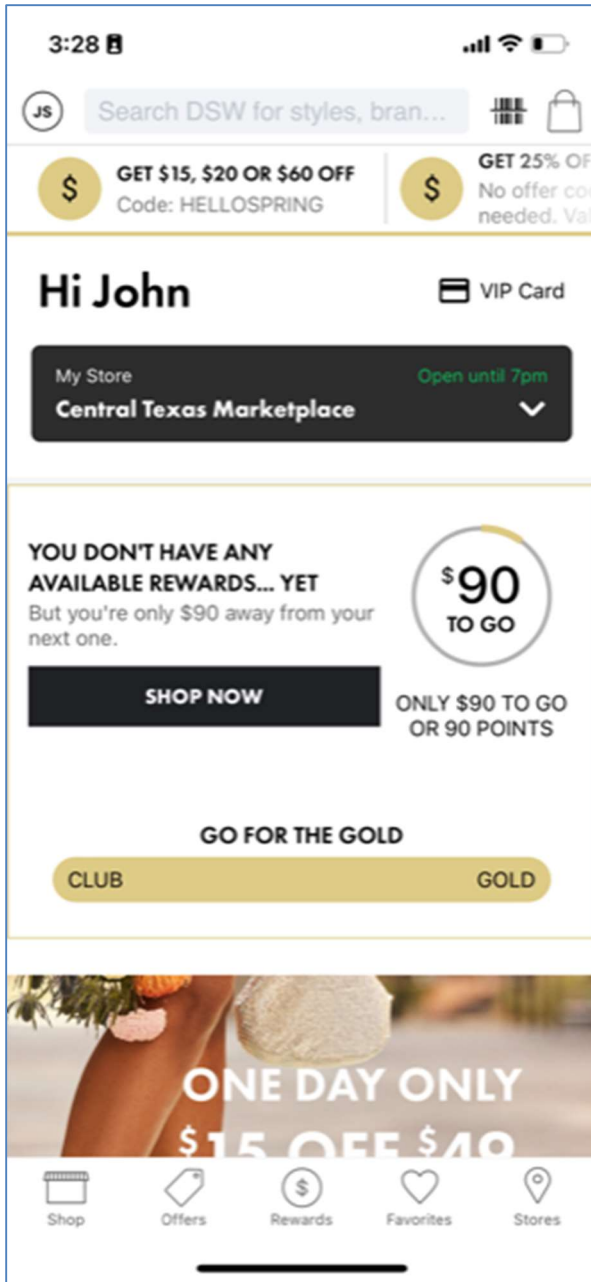
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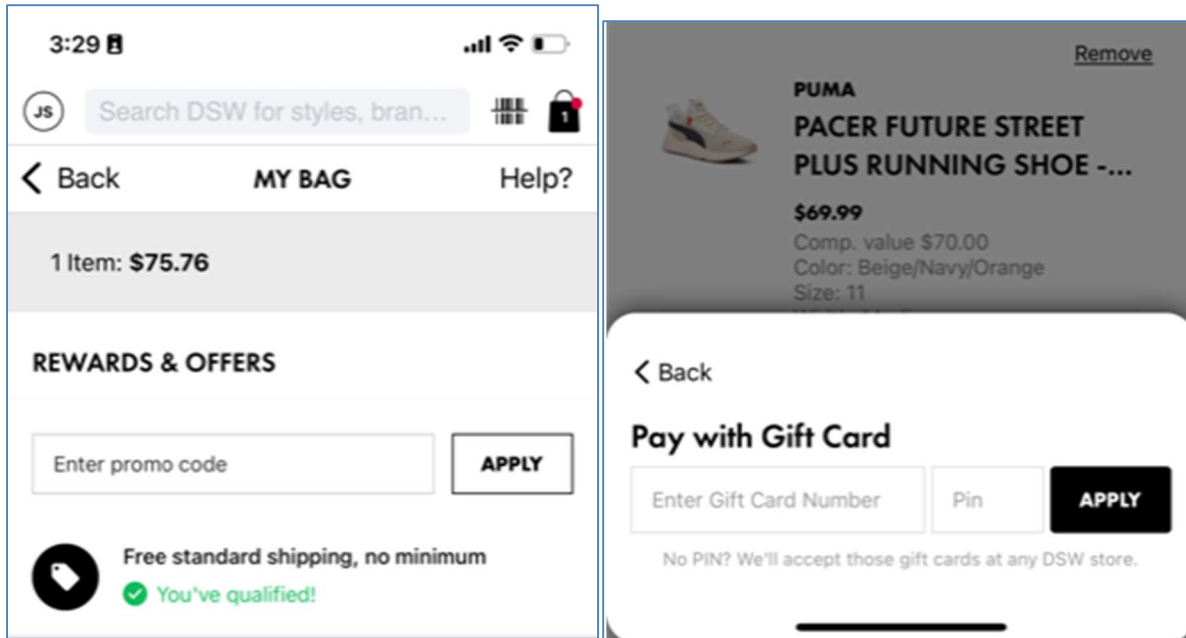
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See e.g., screenshots of the DSW iOS and Android Apps and features.

178. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of in response to the detecting, the electronic, portable device transmitting the information indicative of the particular item of negotiable economic credit and the authentication information to a point-of-sale (POS) device, and instructing the POS device to apply the particular item of negotiable economic credit to the transaction such that a discount associated with the transaction is received by the user of the electronic, portable device.



DSW Designer Shoe Warehouse 4+

Shop Shoes, Boots & Handbags

DSW Inc

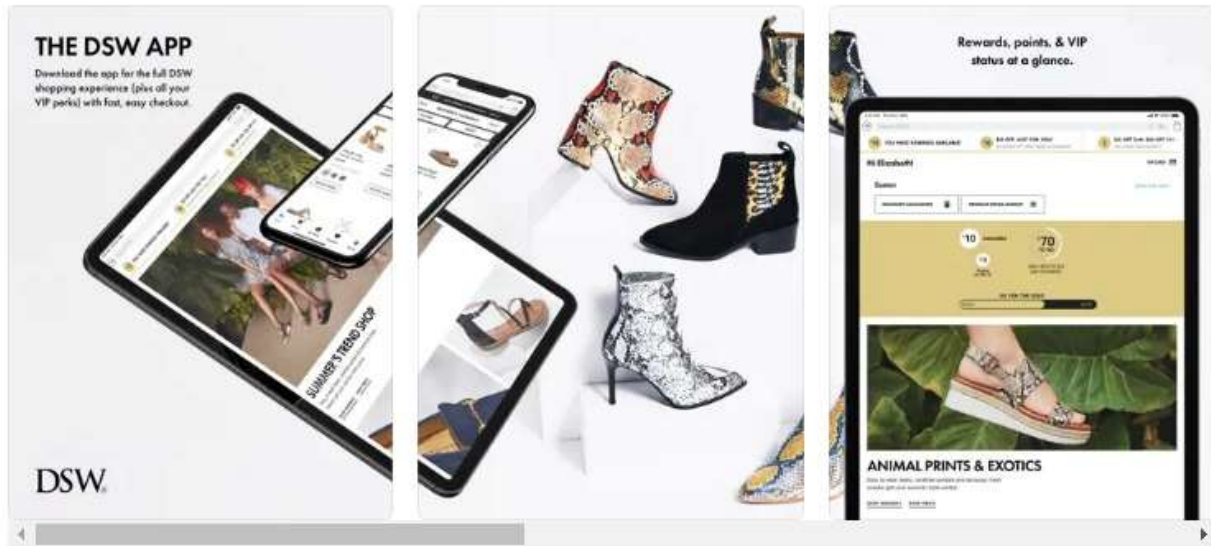
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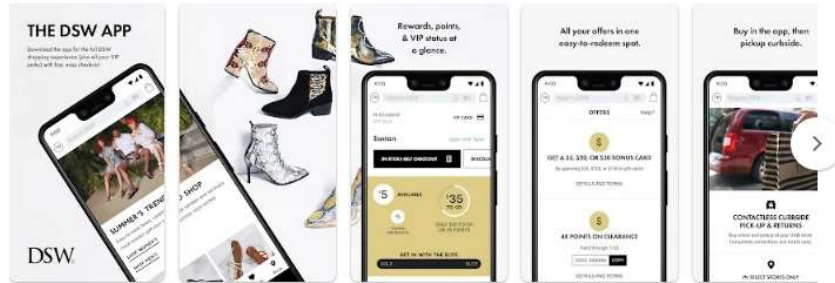
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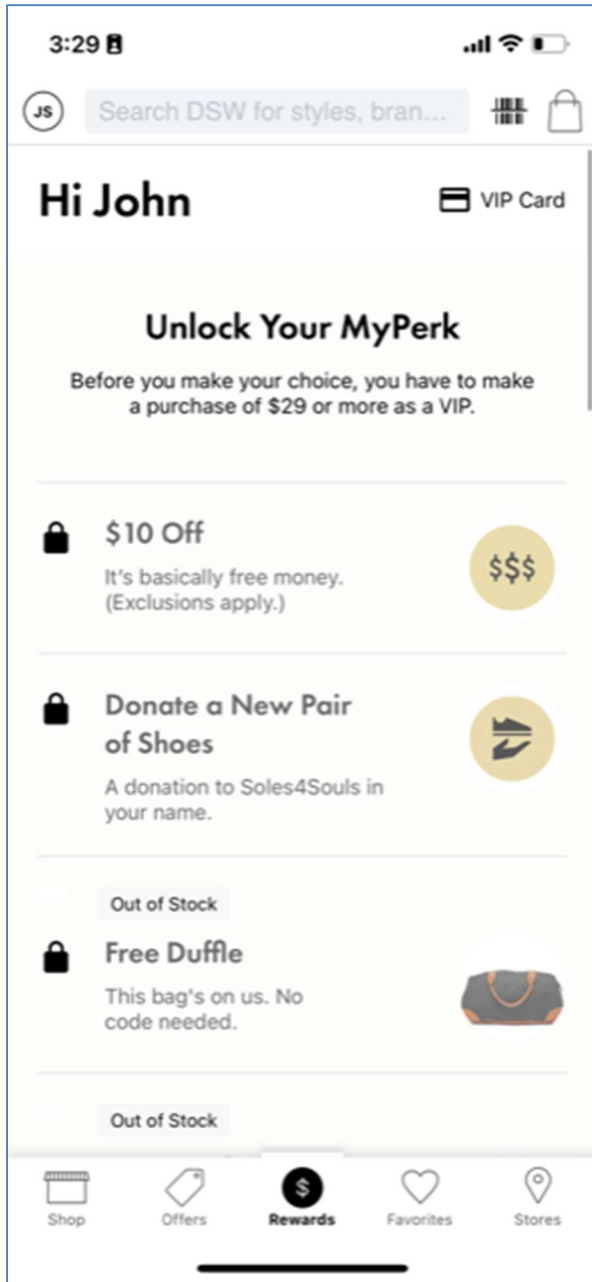
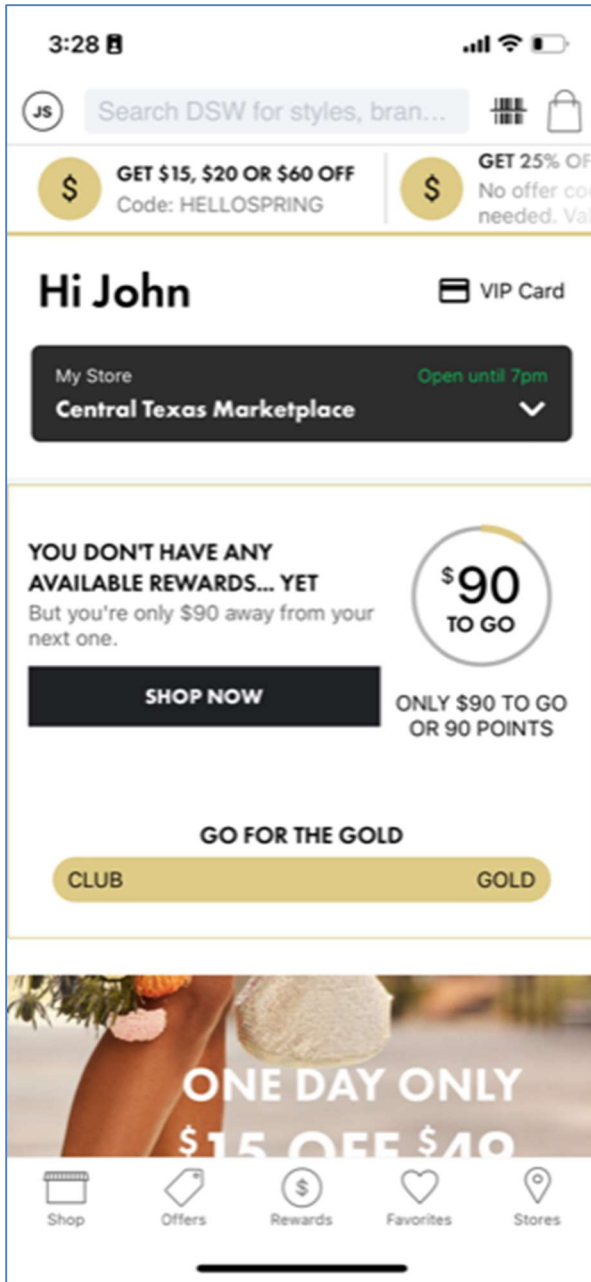
Zappos
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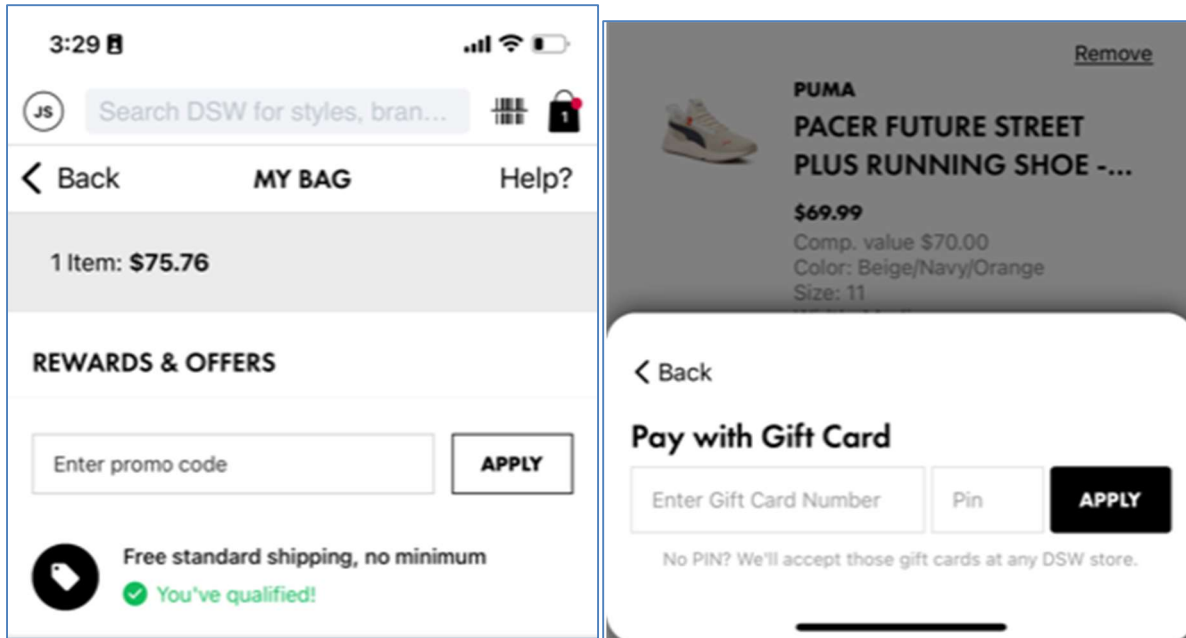
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See e.g., screenshots of the DSW iOS and Android Apps and features.

179. On information and belief, one or more components of the DSW Marketing System employs and provides a method comprising the step of receiving, by the electronic, portable device, a message indicating that the particular item of negotiable economic credit has been authenticated by the POS device and applied to the transaction.

180. On information and belief, DSW directly infringed at least claim 8 of the '529 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the DSW Marketing Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the DSW Marketing System.

181. Advanced Transactions has been damaged by Staples' infringement and suffered damages as a result of this infringement.

JURY DEMANDED

182. Pursuant to Federal Rule of Civil Procedure 38(b), Advanced Transactions hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Advanced Transactions respectfully requests this Court to enter judgment in Advanced Transaction's favor and against DSW as follows:

- a. finding that DSW has infringed one or more claims of the '555 patent under 35 U.S.C. § 271(a);
- b. finding that DSW has infringed one or more claims of the '594 patent under 35 U.S.C. § 271(a);
- c. finding that DSW has infringed one or more claims of the '950 patent under 35 U.S.C. § 271(a);
- d. finding that DSW has infringed one or more claims of the '057 patent under 35 U.S.C. §§ 271(a) and (b);
- e. finding that DSW has infringed one or more claims of the '736 patent under 35 U.S.C. § 271(a);
- f. finding that DSW has infringed one or more claims of the '519 patent under 35 U.S.C. § 271(a);
- g. finding that DSW has infringed one or more claims of the '608 patent under 35 U.S.C. §§ 271(a) and (b);
- h. finding that DSW has infringed one or more claims of the '529 patent under 35 U.S.C. § 271(a);

- i. awarding Advanced Transactions damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- j. awarding Advanced Transactions pre-judgment and post-judgment interest on the damages award and costs;
- k. 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
- l. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: February 26, 2024

Respectfully submitted,

/s/ Zachary H. Ellis

Zachary H. Ellis*

Texas State Bar No. 24122606

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Chandran B. Iyer (*pro hac vice* to be filed)

Oded Burger (*pro hac vice* to be filed)*

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