

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACCESSIFY, LLC,

Plaintiff,

v.

STATISTA GMBH,

Defendant.

Civil Action No. 2:24-cv00333

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Accessify, LLC (“Accessify”) files this Complaint for Patent Infringement against Defendant Statista GmbH (hereinafter, “Statista” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Asserted Patents”) issued by the United States Patent and Trademark Office (“USPTO”):

	U.S. Patent No.	Title	Reference
1.	7,316,032	Method for Allowing a Customer to Preview, Acquire and/or Pay for Information and a System Therefor	https://patentcenter.uspto.gov/applications/10307832 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7316032
2.	7,562,397	Method and System for Facilitating Search, Selection, Preview, Purchase Evaluation, Offering for Sale, Distribution, and/or Sale of Digital Content and Enhancing the Security Thereof	https://patentcenter.uspto.gov/applications/11017381 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7562397
3.	7,752,656	Controlling Access to Name Service for a Domain Name System	https://patentcenter.uspto.gov/applications/12179084 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7752656
4.	8,069,489	Method and System for Facilitating Search, Selection, Preview, Purchase Evaluation, Offering for Sale, Distribution, and/or Sale of Digital Content and Enhancing the Security Thereof	https://patentcenter.uspto.gov/applications/12488586 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8069489
5.	10,554,424	Enhanced Security Preview of Digital Content	https://patentcenter.uspto.gov/applications/12497687 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10554424

	U.S. Patent No.	Title	Reference
6.	11,418,356	Enhanced Security Preview Of Digital Content	https://patentcenter.uspto.gov/applications/16728621 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11418356
7.	7,039,722	Method And Apparatus For Translating Web Addresses And Using Numerically Entered Web Addresses	https://patentcenter.uspto.gov/applications/09709645 https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7039722

2. Accessify seeks injunctive relief and monetary damages.

PARTIES

3. Accessify is a limited liability company formed under the laws of Texas with a registered office address located in Houston, Texas.

4. On information and belief, Defendant Statista GmbH is a corporation formed under the laws of Germany with a principal place of business located at Johannes-Brahms-Platz 1, 20355 Hamburg, Germany.

5. Statista's United States ecommerce website, <https://www.statista.com/>, is directly owned and operated by Defendant.¹ On information and belief, the ecommerce website has been owned by Defendant for the entire duration of Defendant's infringement of the Asserted Patents.

6. By using that website, customers of <http://www.statista.com/> agree directly with Defendant to the terms and conditions of the website, and thereby contract directly with

¹ See <https://who.is/whois/statista.com> (last accessed May 1, 2024).

Defendant.² The Data Protection Officer listed as a contact for the Terms and Conditions of the website is in Germany.

7. On information and belief, Defendant continues to directly operate <http://www.statista.com/>, continues to directly contract with residents of this District, and continues to directly offer for sale, sell, import, provide customer service and technical support, ship, and supply products and services to residents of this District through <http://www.statista.com>.

JURISDICTION AND VENUE

8. Accessify repeats and realleges the allegations in the Paragraphs above as though fully set forth in their entirety.

9. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

10. Venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1400(b) and 1391(b) and (c).

11. Defendant is subject to this Court's specific and general personal jurisdiction under due process because of Defendant's substantial business in the this judicial District, in the State of Texas, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

² See <https://cdn.statcdn.com/download/pdf/Statista-GTC-13-2-1-2.pdf> (last accessed May 1, 2024).

12. Specifically, Defendant intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District, in the State of Texas, and in the United States, directly, through intermediaries, by contributing to and through the inducement of third parties, and offers and sends its products and services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

13. Defendant has purposefully directed infringing activities at residents in the State of Texas, and this litigation results from those infringing activities. Defendant regularly sells (either directly or indirectly), its products within this District. For example, Defendant has placed and continues to place infringing products into the stream of commerce via an established distribution channel with the knowledge or understanding that such products are being and will continue to be sold in this Judicial District and the State of Texas. Defendant is subject to this Court's specific and/or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to its substantial and pervasive business in this State and Judicial District, including its infringing activities alleged herein, from which Defendant derives substantial revenue from goods sold to Texas residents and consumers.

14. Defendant offers products and services and conducts business in this District as described below.

15. Defendant commits acts of infringement from this District, including, but not limited to, use of the Accused Products and inducement of third parties to use the Accused Products in an infringing manner.

16. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, based on

its substantial business activities conducted in the State of Texas and this Judicial District, including: (i) its infringing activities, as alleged herein, by which Defendant purposefully avail themselves of the privilege of conducting their business activities in this State and this District and, thus, submits itself to the jurisdiction of this Court; and (ii) regularly doing or soliciting business, engaging in other persistent conduct targeting residents of Texas and this Judicial District, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported to and targeting residents and consumers of this District and State, vicariously through and/or in concert with its alter egos, intermediaries, agents, distributors, importers, customers, subsidiaries, and/or consumers. Such a presence furthers the development, design, manufacture, importation, distribution, sale, and use (including by inducement) of infringing Defendant products in Texas, including in this District.

17. This Court has personal jurisdiction over Defendant, directly and/or through the activities of Defendant's intermediaries, agents, related entities, distributors, importers, customers, subsidiaries, and/or consumers. Through direction and control of these various entities, Defendant has committed acts of direct and/or indirect patent infringement within Texas, and elsewhere within the United States, giving rise to this action and/or has established minimum contacts with Texas such that personal jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice.

18. Upon information and belief, Defendant utilizes established distribution channels to distribute, market, offer for sale, sell, service, and warrant infringing products directly to consumers and other users in the United States.

19. In the alternative, the Court has personal jurisdiction over Defendant under Federal Rule of Civil Procedure 4(k)(2), because the claims for patent infringement in this action arise

under federal law; Defendant is not subject to the jurisdiction of the courts of general jurisdiction of any state; and exercising jurisdiction over Defendant is consistent with the U.S. Constitution.

20. Venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1400(b) and 1391(b) and (c). *See In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

21. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident of the United States, and thus may be sued in any judicial district, including this one, pursuant to 28 U.S.C. § 1391I(3). *See also In re: HTC Corp.*, 889 F.3d 1349, 1357 (Fed. Cir. 2018) (“The Court’s recent decision in *TC Heartland* does not alter” the alien-venue rule.).

22. On information and belief, Defendant has significant ties to, and presence in, the State of Texas and the Eastern District of Texas, making venue in this Judicial District both proper and convenient for this action.

THE ACCUSED PRODUCTS

23. Accessify repeats and realleges the allegations in the Paragraphs above as though fully set forth in their entirety.

24. Based upon public information, Defendant owns, operates, advertises, and/or controls the website domain <https://www.statista.com/>, through which it advertises, sells, offers to sell, provides and/or educates customers about its products and services.

25. Defendant uses, causes to be used, sells, offers for sale, provides, supplies, or distributes Defendant’s products and services through, at least, Defendant’s websites, <https://www.statista.com/> and <https://statista-info.com/>, which includes, at least, Defendant’s paywall and functions and operations for viewing and accessing digital content. *See, e.g.*, Statista,

<https://www.statista.com/> (last visited Feb. 21, 2024); SUBDOMAIN FINDER (OSINT.SH),
Results of <https://www.statista.com/>, <https://osint.sh/subdomain/> (last visited Feb. 21, 2024).

26. Based on public information, Defendant owns, operates, advertises, controls, sells, imports, and/or offers for sale, and instructs its subsidiaries, affiliates and end users to use the hardware, software, and functionality that allows users to use, access, view, and purchase digital content and information from the Defendant’s website (“Accused Products”).

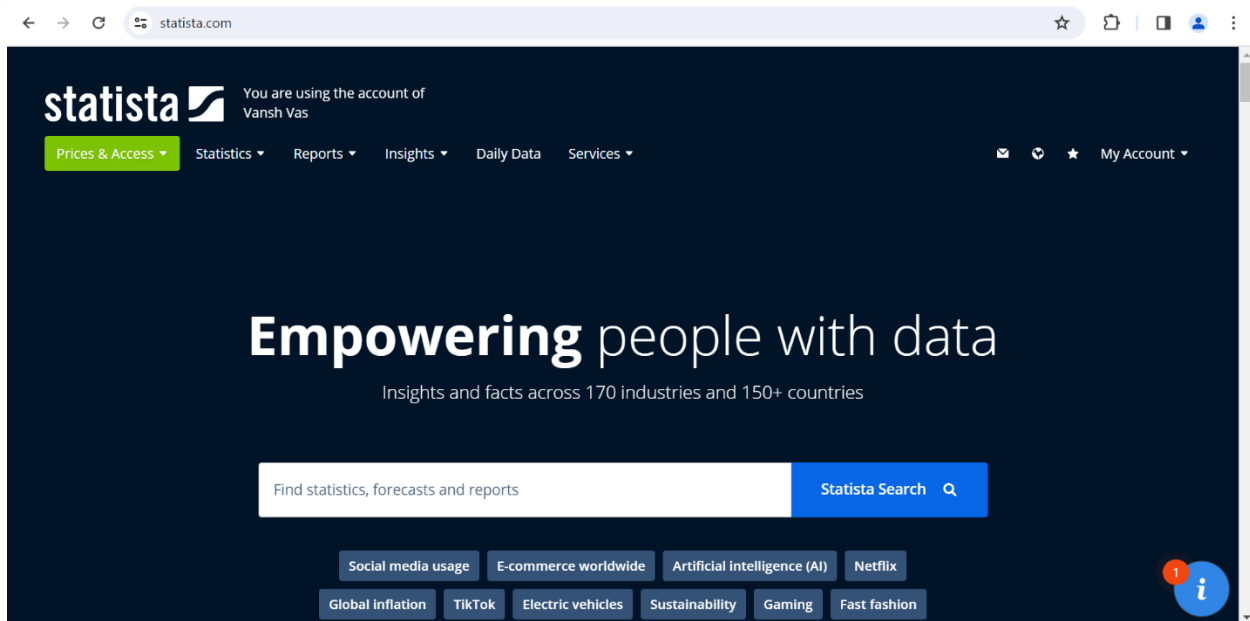


Figure 1: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/> (last visited Feb. 21, 2024).

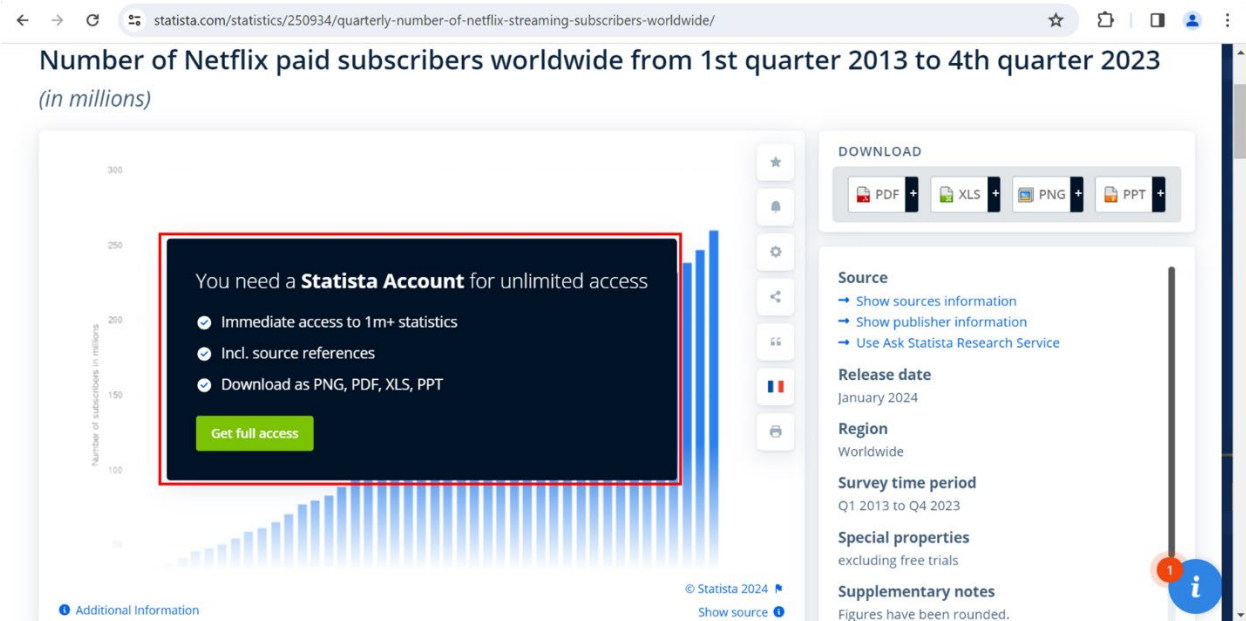


Figure 2: Screenshot of content and information on Statista website. Statista <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

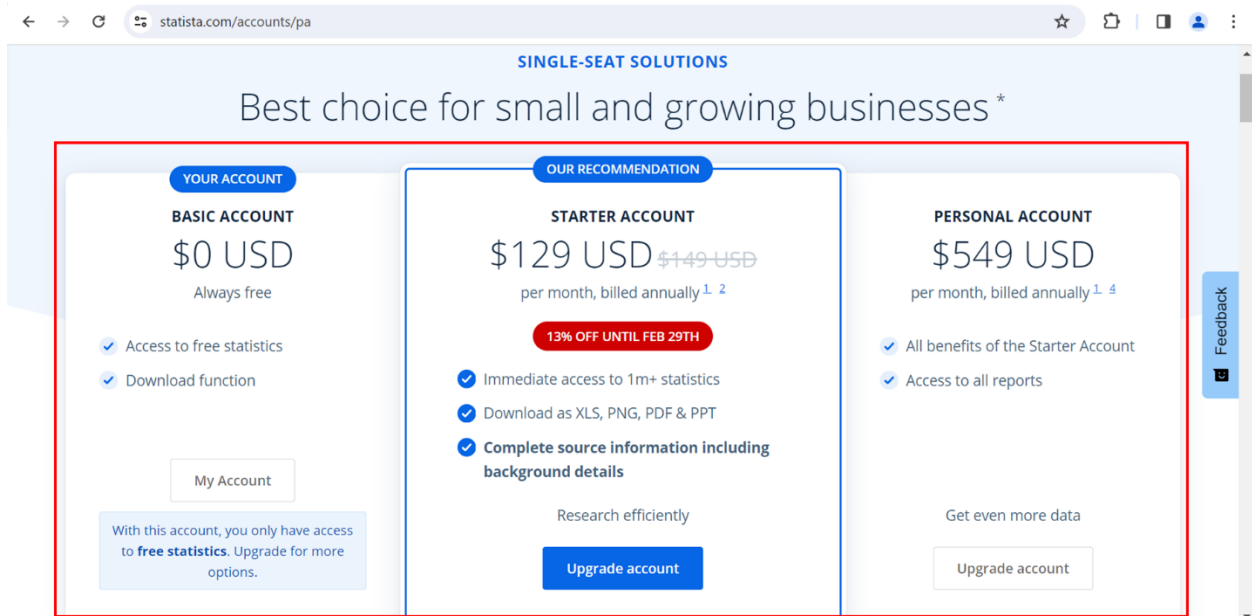


Figure 3: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/accounts/pa> (last visited Feb. 21, 2024).

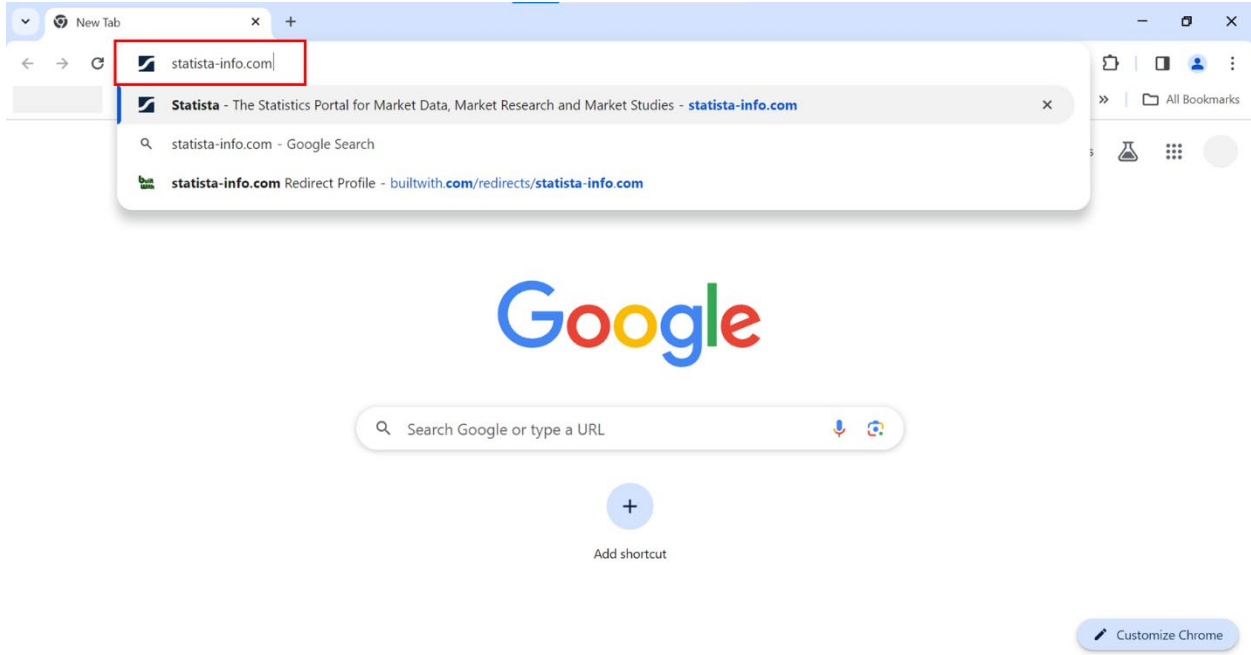


Figure 4: Screenshot of a request to access to <https://statista-info.com>

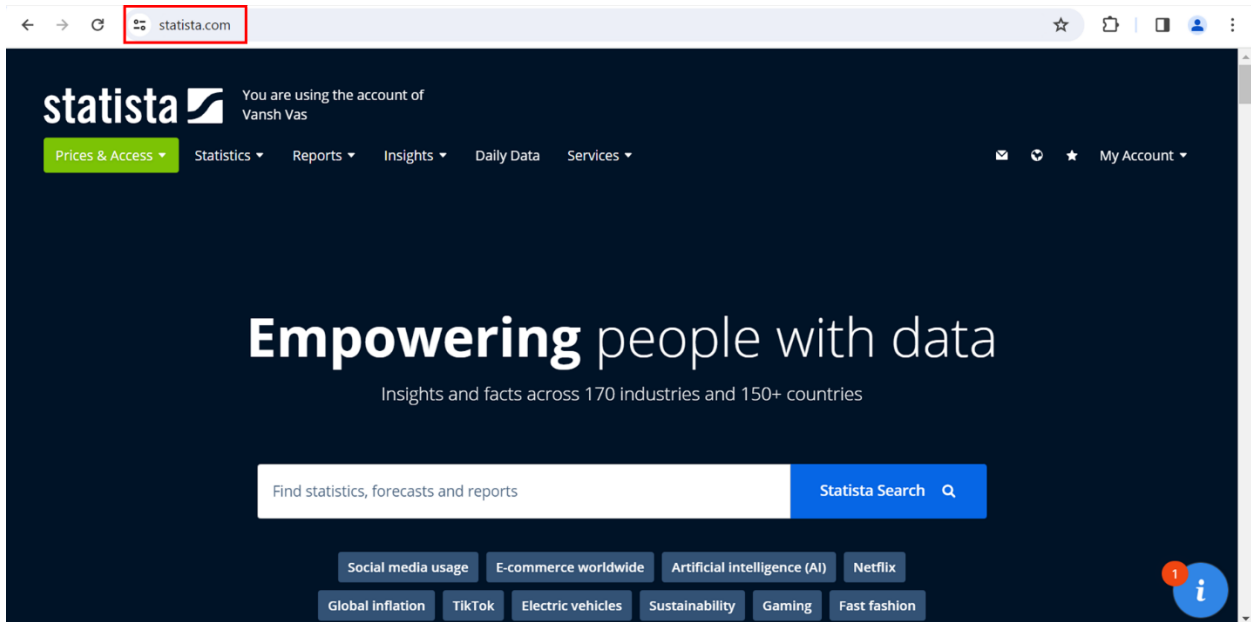


Figure 5: Screenshot of Statista Website after receiving a request to access <https://statista-info.com>. Statista, <https://www.statista.com/> (last visited Feb. 21, 2024).

27. For these reasons and additional reasons detailed below, the Accused Products practice at least one claim of each of the Asserted Patents.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,316,032

28. Accessify repeats and realleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

29. The USPTO duly issued U.S. Patent No. 7,316,032 (the “’032 patent”) on January 1, 2008, after a full and fair examination of Application No. 10/307,832, which was filed on December 2, 2002. *See* ’032 patent at p.1. A Certificate of Correction was issued on January 26, 2010.

30. Accessify owns all substantial rights, interest, and title in and to the ’032 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

31. The claims of the ’032 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function and operation for distributing an information product or an electronic digital work of potential commercial value to a potential receiver in a masked or reduced utility configuration, and rendering said information product in its original unmasked configuration upon receipt of payment or due consideration.

32. The written description of the ’032 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

33. Defendant has directly infringed and continues to directly infringe one or more claims of the '032 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

34. As just one example, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '032 patent, as detailed in the Evidence of Use attached as **Exhibit A**.

35. As shown in **Ex. A**, Defendant, using the Accused Products, including but not limited to the Defendant's paywall, and associated hardware, software, applications, and functionalities, performs a step of a method for allowing a user to preview an information product, said method comprising the steps of: providing a preview version of said information product; said preview version being created by superposing a masking effect on an original form of said information product, said preview version being readily accessible and remaining representative of said original form of said information product and enabling said user in evaluating said information product for making a purchase decision, said masking effect being superposed on a region of said information product and adapted to interfere with receiving of said information product in said original form by said user; allowing said user to access said preview version of said information product; and controlling at least one of presence, absence, duration of application and permanence of said masking effect, superposed on said information product, in accordance with at least one criterion thereby controlling receiving of said information product in said original form by said user.

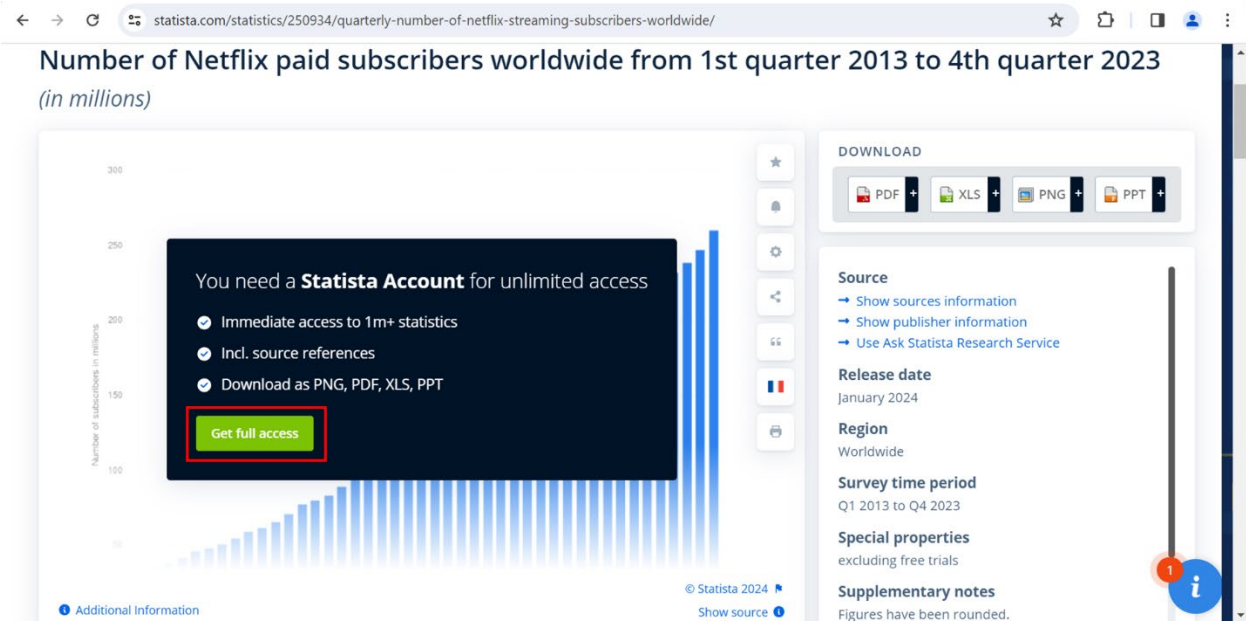


Figure 6: Screenshot of content and information on Statista website. Statista <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

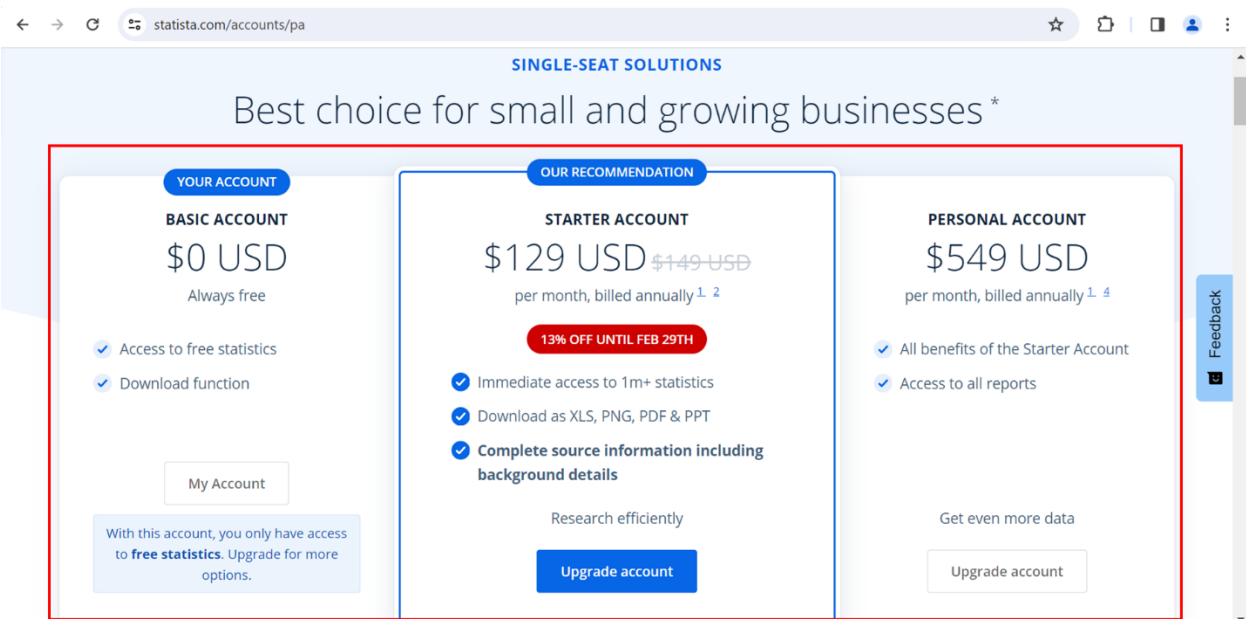


Figure 7: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/accounts/pa> (last visited Feb. 21, 2024).

36. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '032 patent by inducing others to directly infringe the '032 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '032 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '032 patent, including, for example, claim 1 of the '032 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant has performed these steps, which constitute induced infringement with the knowledge of the '032 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '032 patent. Defendant's inducement is ongoing.

37. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '032 patent by contributing to the infringement of the '032 patent. Defendant has contributed to the direct infringement of the '032 patent by their personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '032 patent, including, for example, claim 1 of the '032 patent. The special features constitute a material part of the invention of one or more of the claims of the '032 patent

and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

38. Defendant has had knowledge of the '032 patent at least as of the date when they were notified of the filing of this action.

39. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees not to review the patents of others, and thus has been willfully blind of Accessify's patent rights.

40. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

41. Defendant's direct infringement of one or more claims of the '032 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of Accessify's rights under the patent.

42. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '032 patent.

43. Accessify has been damaged as a result of the infringing conduct by Defendant as alleged above. Thus, Defendant is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

44. Accessify has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Accessify has and will continue to suffer this harm by virtue of Defendant's infringement of the '032 patent. Defendant's actions have interfered with and will interfere with Accessify's ability to license technology. The balance of

hardships favors Accessify's ability to commercialize its own ideas and technology. The public interest in allowing Accessify to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,562,397

45. Accessify repeats and realleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

46. The USPTO duly issued U.S. Patent No. 7,562,397 (the "'397 patent") on July 14, 2009, after a full and fair examination of Application No. 11/017,381, which was filed on December 20, 2004. *See* '397 patent at p.1.

47. Accessify owns all substantial rights, interest, and title in and to the '397 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

48. The claims of the '397 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of facilitating various functional, commercial, and transactional steps in distributing an information product including—searching, selecting, previewing, purchase evaluation, offering for sale, marketing, providing access, transmitting, rendering, conveying, shipping, on-demand delivery, renting, and/or selling said information product.

49. The written description of the '397 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from

and improved upon what may have been considered conventional or generic in the art at the time of the invention.

50. Defendant has directly infringed and continues to directly infringe one or more claims of the '397 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

51. As just one example, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '397 patent, as detailed in the Evidence of Use attached as **Exhibit B**.

52. As shown in **Ex. B**, Defendant, using the Accused Products, including but not limited to the Defendant's paywall, and associated hardware, software, applications, and functionalities, performs a step of a method for controlling the distribution of a digital work, said method comprising the steps of: arranging said digital work into a plurality of layers, said plurality of layers comprising at least a first layer and a second layer, said first layer comprising a masking effect; superposing said first layer onto said second layer, said masking effect being adapted to interfere with the receiving of said digital work in an original configuration by a user, thereby defining a masked configuration of said digital work; providing said digital work in said masked configuration, wherein said masked configuration being readily accessible and adapted for providing a preview version of said digital work; allowing said user to access said preview version of said digital work; and controlling at least one of presence of said masking effect, absence of said masking effect, duration of application of said masking effect and permanence of said masking effect thereby controlling receiving of said digital work in said original configuration by said user.

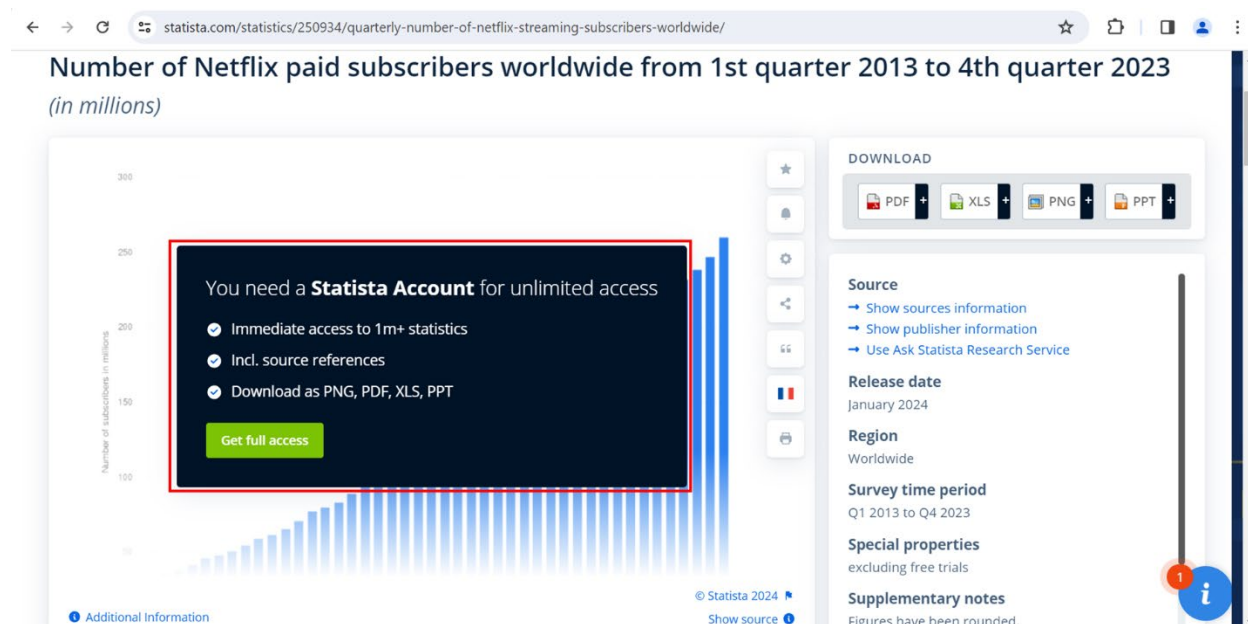


Figure 8: Screenshot of content and information on Statista website. Statista <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

53. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '397 patent by inducing others to directly infringe the '397 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '397 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '397 patent, including, for example, claim 1 of the '397 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant has performed these steps, which constitute induced infringement with the

knowledge of the '397 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '397 patent. Defendant's inducement is ongoing.

54. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '397 patent by contributing to the infringement of the '397 patent. Defendant has contributed to the direct infringement of the '397 patent by their personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '397 patent, including, for example, claim 1 of the '397 patent. The special features constitute a material part of the invention of one or more of the claims of the '397 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

55. Defendant has had knowledge of the '397 patent at least as of the date when they were notified of the filing of this action.

56. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees not to review the patents of others, and thus has been willfully blind of Accessify's patent rights.

57. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

58. Defendant's direct infringement of one or more claims of the '397 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of Accessify's rights under the patent.

59. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '397 patent.

60. Accessify has been damaged as a result of the infringing conduct by Defendant as alleged above. Thus, Defendant is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

61. Accessify has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Accessify has and will continue to suffer this harm by virtue of Defendant's infringement of the '397 patent. Defendant's actions have interfered with and will interfere with Accessify's ability to license technology. The balance of hardships favors Accessify's ability to commercialize its own ideas and technology. The public interest in allowing Accessify to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,752,656

62. Accessify repeats and realleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

63. The USPTO duly issued U.S. Patent No. 7,752,656 (the "'656 patent") on July 6, 2010, after a full and fair examination of Application No. 12/179,084, which was filed on July 24, 2008. *See* '656 patent at p.1. A Certificate of Correction was issued on February 1, 2011.

64. Accessify owns all substantial rights, interest, and title in and to the '656 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

65. The claims of the '656 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the operation and function of using a DNS server operating on a wide area network to enable an authorized reception device to receive (or be provided with) restricted content data associated with a particular wide area network address and redefine the domain name associated with a particular wide area network address.

66. The written description of the '656 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

67. Defendant has directly infringed one or more claims of the '656 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

68. As just one example, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '656 patent, as detailed in the Evidence of Use attached as **Exhibit C**.

69. As shown in **Ex. C**, Defendant, using the Accused Products, perform a method for controlling access to content, the method comprising: receiving, at a name server, requests for content from a plurality of network devices, each of the requests indicating respective requested domain names, wherein the name server is operably associated with a memory storing a domain name table listing IP addresses for network content servers in association with domain names; determining whether requests for content are associated with respective user access privileges for the respective requested domain names; determining, for ones of the requests associated with

respective user access privileges, corresponding ones of IP addresses associated with the respective requested domain names in the domain name table; determining, for ones of the requests not associated with respective user access privileges, an IP address for an authorization server configured to request authorization data from network devices; and responding to the requests for content by providing corresponding ones of the IP addresses and the IP address for the authorization server to respective requesting ones of the plurality of network devices.

70. More specifically, as one example, Defendant, using the Accused Products, performs a method for controlling access to content, the method comprising: receiving, at a name server, requests for content from a plurality of network devices, each of the requests indicating respective requested domain names. *See, e.g., OSINT.SH (Subdomain Finder), Results of statista.com, <https://osint.sh/subdomain/>* (last visited Feb. 21, 2024).

The screenshot displays the OSINT.SH Subdomain Finder interface. At the top, there is a navigation bar with links for HOME, ALL TOOLS, ABOUT, API, TERMS, CONTACT, and a SPONSOR button. The main heading is 'SUBDOMAIN FINDER' with the tagline 'The fastest way to discover subdomains in your DNS recon'. A search input field contains 'example.com' and a blue 'CHECK NOW' button is positioned below it.

Below the search interface, a summary line states: 'Total results for statista.com = 45 subdomain. Scanned on 21 Feb 2024 09:34:00 AM. Scan ID 65d5c386605f6'. Below this is a table with the following data:

N...	Subdomain	IP	Provider
...	spaces.statista.com	65.8.11.52	Amazon Technologies Inc. (... Seattle, United States
...	jira.statista.com	3.161.119.65	Amazon Technologies Inc. (... Seattle, United States
...	es.statista.com	54.169.25.11	Amazon Technologies Inc. (... Singapore, Singapore
...	en.statista.com	18.208.31.253	Amazon Technologies Inc. (... North, United States

Figure 9: Screenshot of the OSINT.SH subdomain finder website, <https://osint.sh/subdomain/> (last visited Feb. 21, 2024).

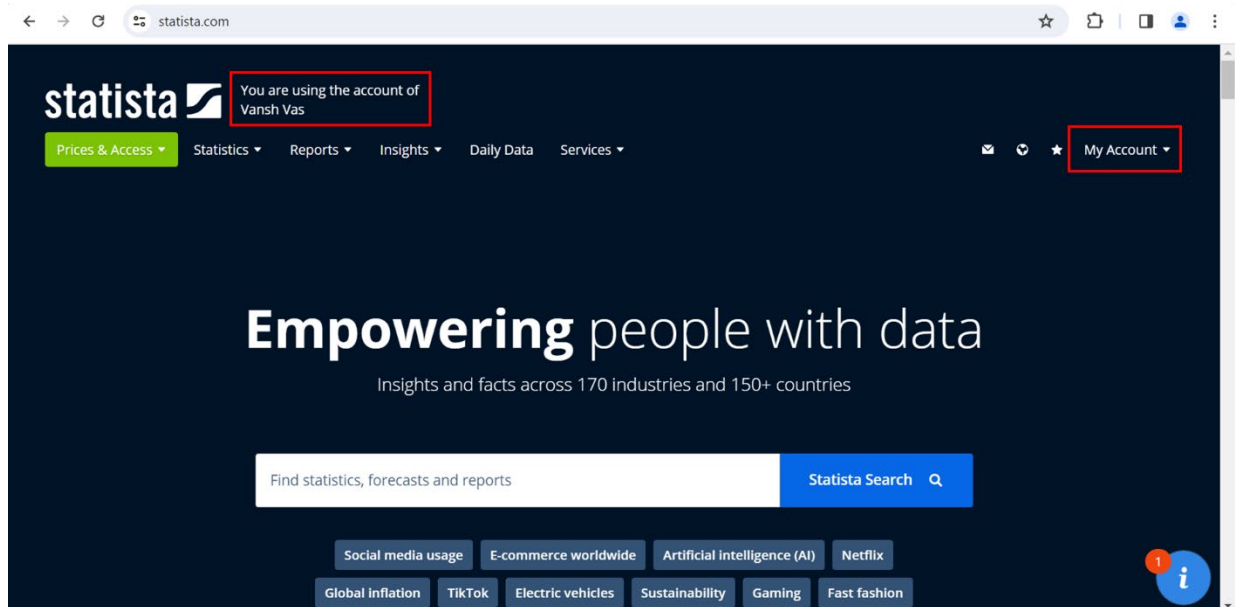


Figure 10: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/> (last visited Feb. 21, 2024).

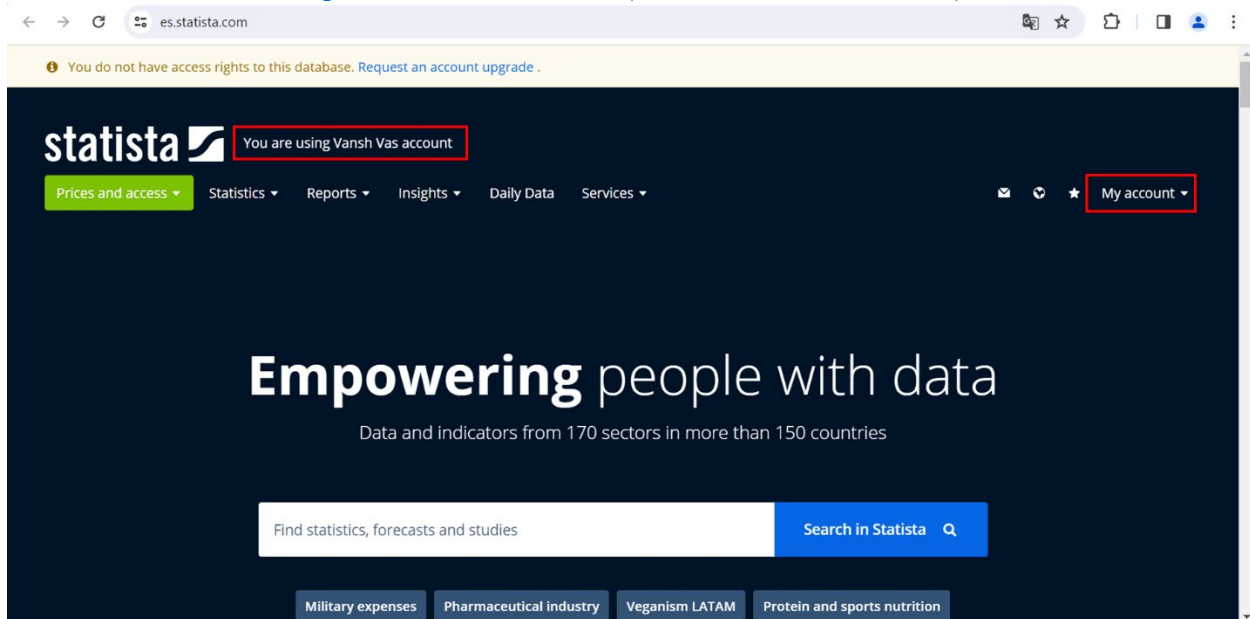


Figure 11: Screenshot of content and information on Statista website. Statista, <https://es.statista.com/> (last visited Feb. 21, 2024).

71. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '656 patent.

72. Accessify has been damaged as a result of the infringing conduct by Defendant as alleged above. Thus, Defendant is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 8,069,489

73. Accessify repeats and realleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

74. The USPTO duly issued U.S. Patent No. 8,069,489 (the "'489 patent") on November 29, 2011, after a full and fair examination of Application No. 12/488,586, which was filed on June 21, 2009. *See* '489 patent at p.1.

75. Accessify owns all substantial rights, interest, and title in and to the '489 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

76. The claims of the '489 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function and operation of facilitating various functional, commercial, and transactional steps in distributing an information product including—searching, selecting, previewing, purchase evaluation, offering for sale, marketing, providing access, transmitting, rendering, conveying, shipping, on-demand delivery, renting, and/or selling said information product.

77. The written description of the '489 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

78. Defendant has directly infringed one or more claims of the '489 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

79. As just one example, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '489 patent, as detailed in the Evidence of Use attached as **Exhibit D**.

80. As shown in **Ex. D**, Defendant, using the Accused Products, including but not limited to the Defendant's paywall, and associated hardware, software, applications, and functionalities, performs a step of a method for controlling access to an original configuration of a digital work on a computer network, said method comprising the steps of providing a masked configuration of said digital work, said masked configuration of said digital work being created by applying a masking effect on said original configuration of said digital work, said masked configuration being adapted for interfering with at least one of viewing, hearing, displaying, and rendering of said digital work in said original configuration on a computer system, said masked configuration being readily accessible by a user of said digital work and remaining representative of said original configuration of said digital work thereby enabling said user to substantially examine said digital work; allowing said user to access said masked configuration of said digital work, for at least one of viewing, hearing, displaying and rendering of said digital work in said masked configuration on said computer system, and providing at least a preview version of said

digital work on said computer system; controlling at least one of presence, absence, duration of application and permanence of said masking effect on said original configuration of said digital work, in accordance with at least one criterion thereby controlling receiving of said digital work in said original configuration by said user.

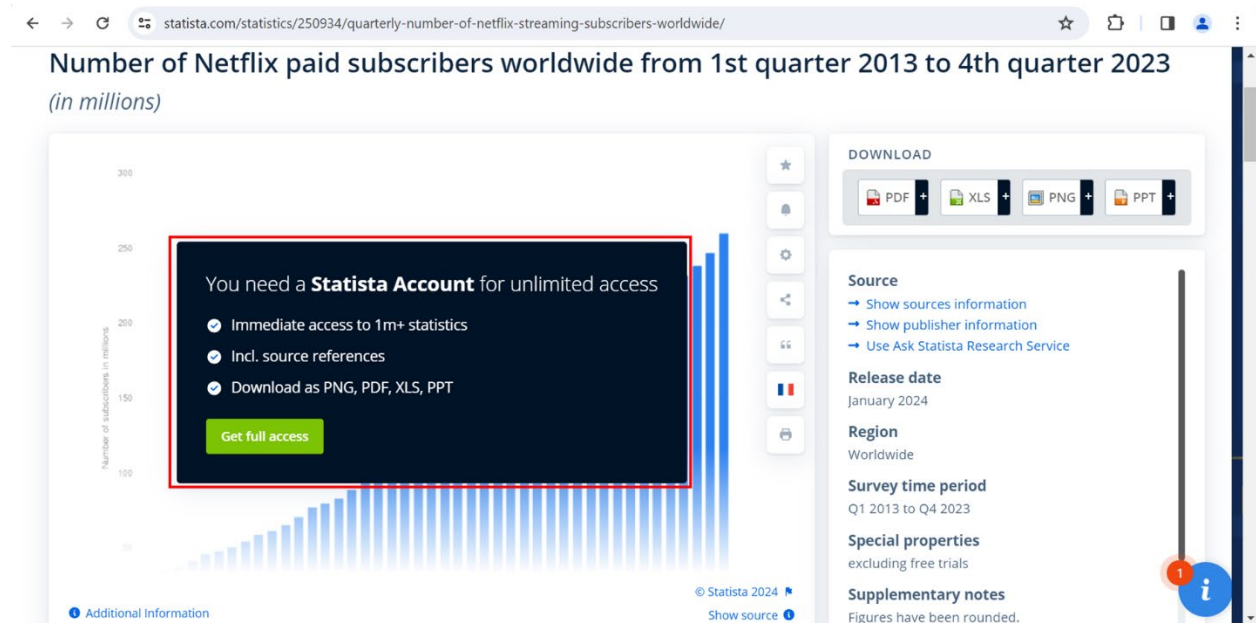


Figure 12: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

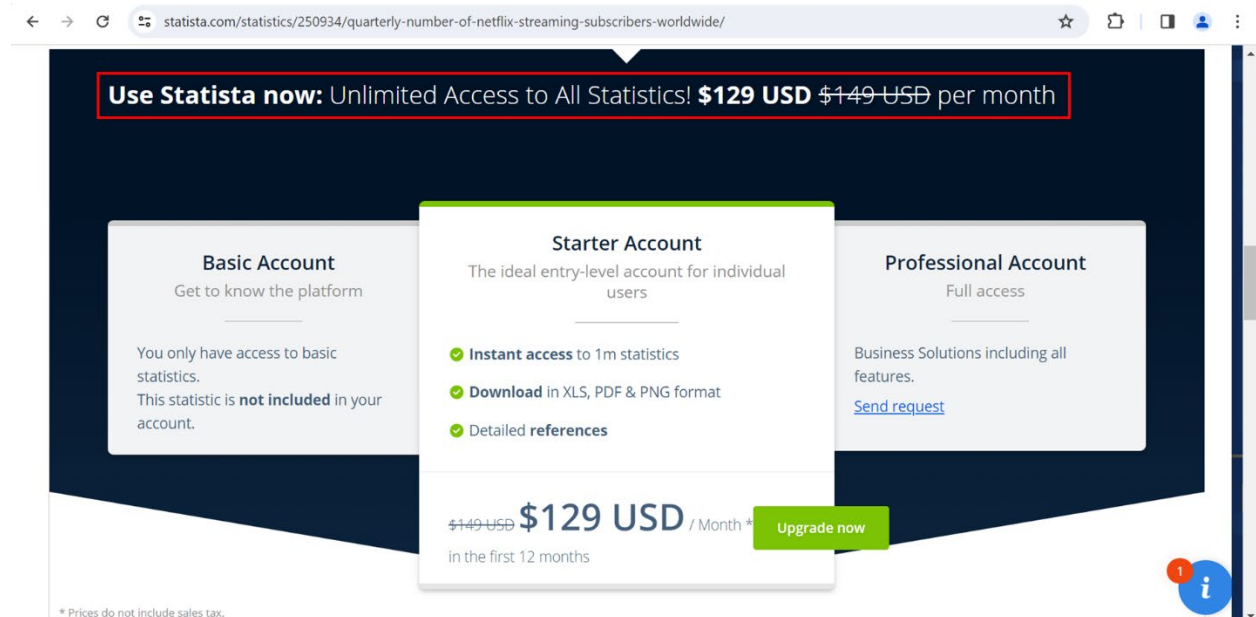


Figure 13: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

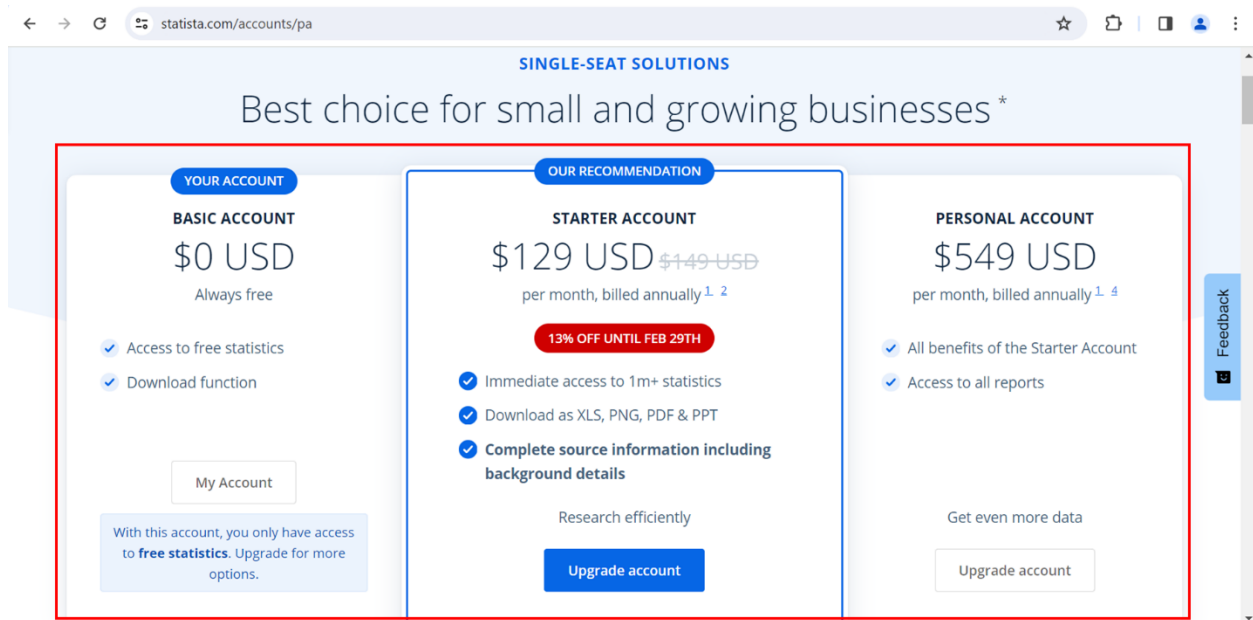


Figure 14: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/accounts/pa> (last visited Feb. 21, 2024).

81. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '489 patent.

82. Accessify has been damaged as a result of the infringing conduct by Defendant as alleged above. Thus, Defendant is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 10,554,424

83. Accessify repeats and realleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

84. The USPTO duly issued U.S. Patent No. 10,554,424 (the “’424 patent”) on February 4, 2020, after a full and fair examination of Application NO. 12/497,687, which was filed on July 5, 2009. *See* ’424 patent at p.1.

85. Accessify owns all substantial rights, interest, and title in and to the ’424 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

86. The claims of the ’424 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function and operation of facilitating various functional, commercial, and transactional steps in distributing an information product including—searching, selecting, previewing, purchase evaluation, offering for sale, marketing, providing access, transmitting, rendering, conveying, shipping, on-demand delivery, renting, and/or selling said information product.

87. The written description of the ’424 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

88. Defendant has directly infringed one and continues to directly infringe or more claims of the ’424 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.

89. As just one example, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '424 patent, as detailed in the Evidence of Use attached as **Exhibit E**.

90. As shown in **Ex. E**, Defendant, using the Accused Products, including but not limited to the Defendant's paywall, and associated hardware, software, applications, and functionalities, performs a method comprising: receiving a request regarding an information product from a user device over a computer network; generating a preview version of the information product in accordance with customer-specified relevance criteria received from the user device; selecting a masking effect from a plurality of masking effects based on the information product and customer preview preferences; superposing the masking effect on the preview version of the information product by placing or laying the masking effect over or above the preview version to create a masked version of the preview version of the information product; providing the user device access to the masked version of the preview version of the information product, over the computer network, prior to purchase of the information product, in accordance with the request; offering the preview version of the information product for sale with a purchase price based on the customer-specified relevance criteria.

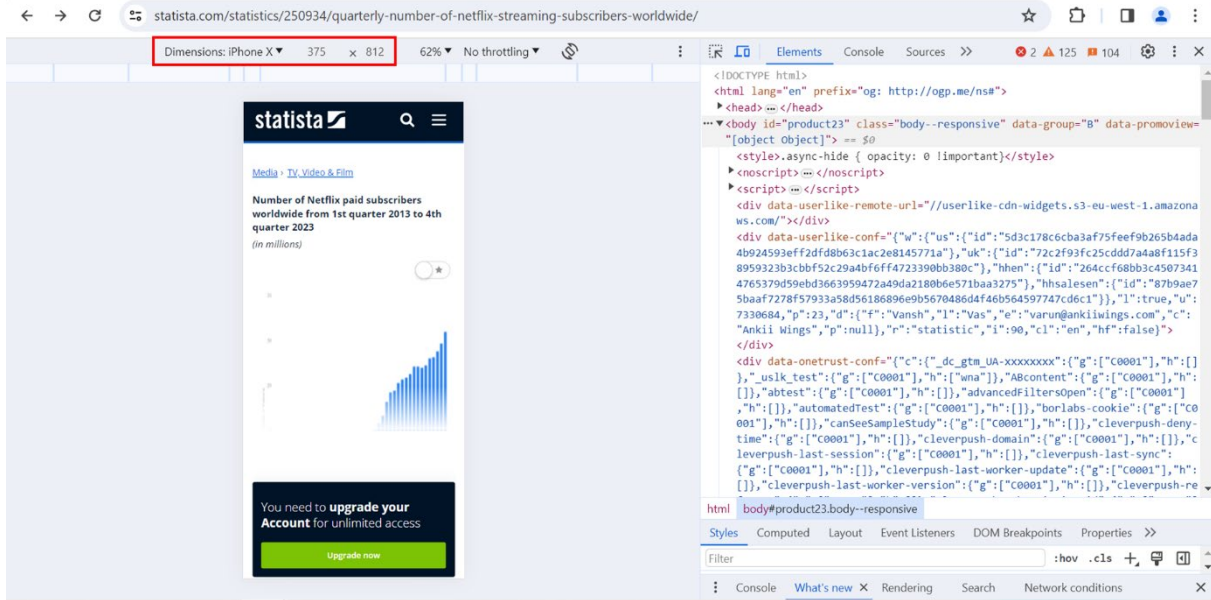


Figure 15: Screenshot of content and information on Statista website. Statista, <https://www.statista.com/statistics/250934/quarterly-number-of-netflix-streaming-subscribers-worldwide/> (last visited Feb. 21, 2024).

91. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '424 patent by inducing others to directly infringe the '424 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '424 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '424 patent, including, for example, claim 1 of the '424 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant has performed these steps, which constitute induced infringement with the knowledge of the '424 patent and with the knowledge that the induced acts constitute infringement.

Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '424 patent. Defendant's inducement is ongoing.

92. Since at least the time of receiving the complaint in this action, Defendant has also indirectly infringed the '424 patent by contributing to the infringement of the '424 patent. Defendant has contributed to the direct infringement of the '424 patent by their personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '424 patent, including, for example, claim 1 of the '424 patent. The special features constitute a material part of the invention of one or more of the claims of the '424 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

93. Defendant has had knowledge of the '424 patent at least as of the date when they were notified of the filing of this action.

94. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees not to review the patents of others, and thus has been willfully blind of Accessify's patent rights.

95. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

96. Defendant's direct infringement of one or more claims of the '424 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of Accessify's rights under the patent.

97. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '424 patent.

98. Accessify has been damaged as a result of the infringing conduct by Defendant as alleged above. Thus, Defendant is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

99. Accessify has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Accessify has and will continue to suffer this harm by virtue of Defendant's infringement of the '424 patent. Defendant's actions have interfered with and will interfere with Accessify's ability to license technology. The balance of hardships favors Accessify's ability to commercialize its own ideas and technology. The public interest in allowing Accessify to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 11,418,356

100. Plaintiff repeats and re-alleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

101. The USPTO duly issued U.S. Patent No. 11,418,356 (hereinafter, the "'356") on August 16, 2022 after full and fair examination of Application No. 16/728,621, which was filed on December 27, 2019. *See* '356 patent at p. 1.

102. Accessify owns all substantial rights, interest, and title in and to the '356 patent, including the sole and exclusive right to prosecute this action and enforce the '356 patent against infringers and to collect damages for all relevant times.

103. The claims of the '356 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of facilitating various functional, commercial and transactional steps in distributing an information product including searching, selecting, previewing, purchase evaluation, offering for sale, marketing, providing access, transmitting, rendering, conveying, shipping, on-demand delivery, renting, and/or selling said information product.

104. The written description of the '356 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the nonconventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

105. Statista has directly infringed one or more claims of the '356 patent by using, providing, supplying, or distributing the Accused Products.

106. As just one example, Statista has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '356 patent, as detailed in the Evidence of Use attached as **Exhibit F**.

107. As shown in **Ex. F**, Statista, using the Accused Products, including but not limited to Statista paywall, and associated hardware, software, applications, and functionalities, performs a method of distributing and transmitting a digital work, comprising: receiving a request for a digital work and a criteria from a customer; creating, in response to receiving the request and the criteria, a masked digital work by adding one or more masking effect layers to an original form of the digital work to add a masking effect to the original form of the digital work, the masking effect

being dynamically generated by selecting the one or more masking effect layers to add to the original form of the digital work based at least in part on the criteria received from the customer, the masking effect being of a utility-reducing character and adapted to affect at least one aspect of the original form of the digital work selected from a group consisting of display, audio, playback quality, and resolution of the digital work; transmitting, in response to the request, the masked digital work; receiving, in response to transmitting the masked digital work, a further communication relating to the digital work; evaluating whether the further communication satisfies one of a plurality of predetermined criteria; and in response to the further communication satisfying a first predetermined criteria transmitting the digital work in the original form, wherein the criteria from the customer includes a search term that is used to generate a selected relevant portion of the digital work, the masking effect being adapted to affect at least a portion of the digital work determined to be outside of the selected relevant portion.

108. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '356 patent.

109. Accessify has been damaged as a result of the infringing conduct by Statista alleged above. Thus, Statista is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT VII: INFRINGEMENT OF U.S. PATENT NO. 7,039,722

110. Plaintiff repeats and re-alleges the allegations in the Paragraphs 1-27 above as though fully set forth in their entirety.

111. The USPTO duly issued U.S. Patent No. 7,039,722 (hereinafter, the “’722 patent”) on May 2, 2006 after full and fair examination of Application No. 09/709,645 which was filed on November 13, 2000. *See* ’722 patent at p. 1.

112. Accessify owns all substantial rights, interest, and title in and to the ’722 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

113. The claims of the ’722 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of a translating web addresses via a naming scheme that permits effective use of all scheme-specific names and assists in the effective use of existing scheme-specific names on limited keyboard devices, such as number pads on phones.

114. The written description of the ’722 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the nonconventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

115. Statista has directly infringed one or more claims of the ’722 patent by using, providing, supplying, or distributing the Accused Products.

116. As just one example, Statista has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the ’722 patent, as detailed in the Evidence of Use attached as **Exhibit G**.

117. As shown in **Ex. G**, Statista, using the Accused Products, performs a step of a method of generating from a computer a request for a domain name, comprising the steps of: receiving on the computer a name associated with the domain name, said received name having a top-level domain portion and a sub-domain portion, both in a native language character set; selecting a translation formula: translating said received name with said translation formula to generate a scheme specific name by converting a sub-domain portion of said received name into a different sub-domain portion, said scheme specific name being in the native language character set; and generating, from the computer, a request for the domain name based upon said scheme specific name.

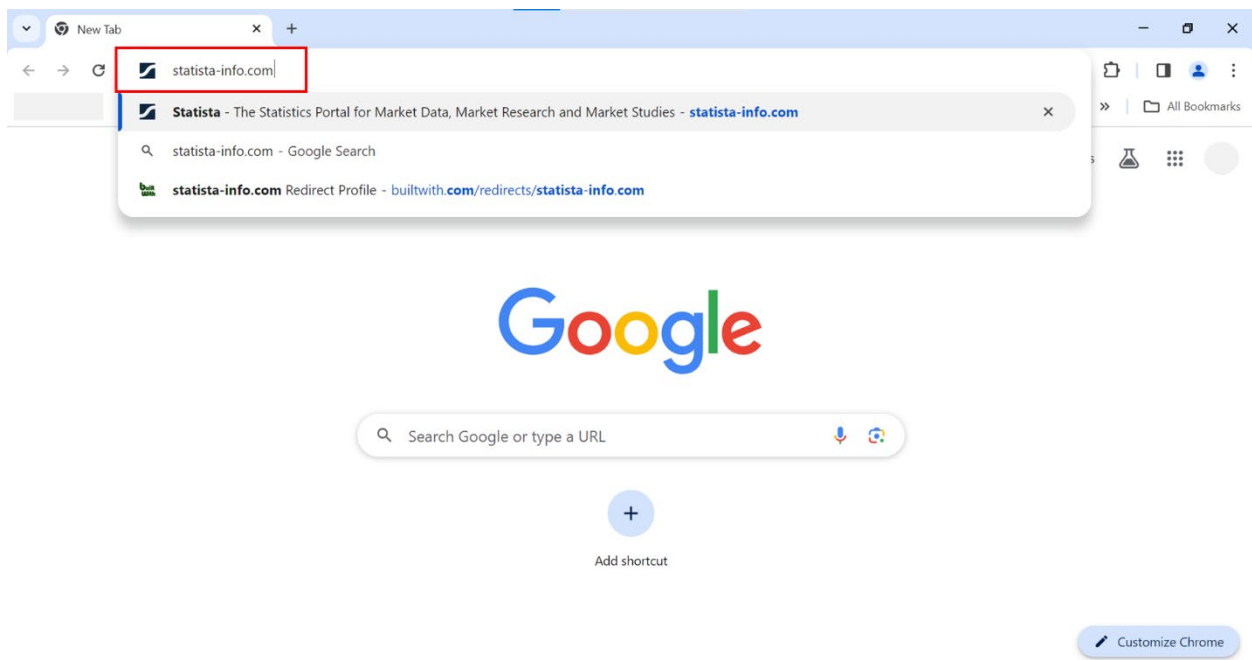


Figure 16: Screenshot of a request to access to <https://statista-info.com>

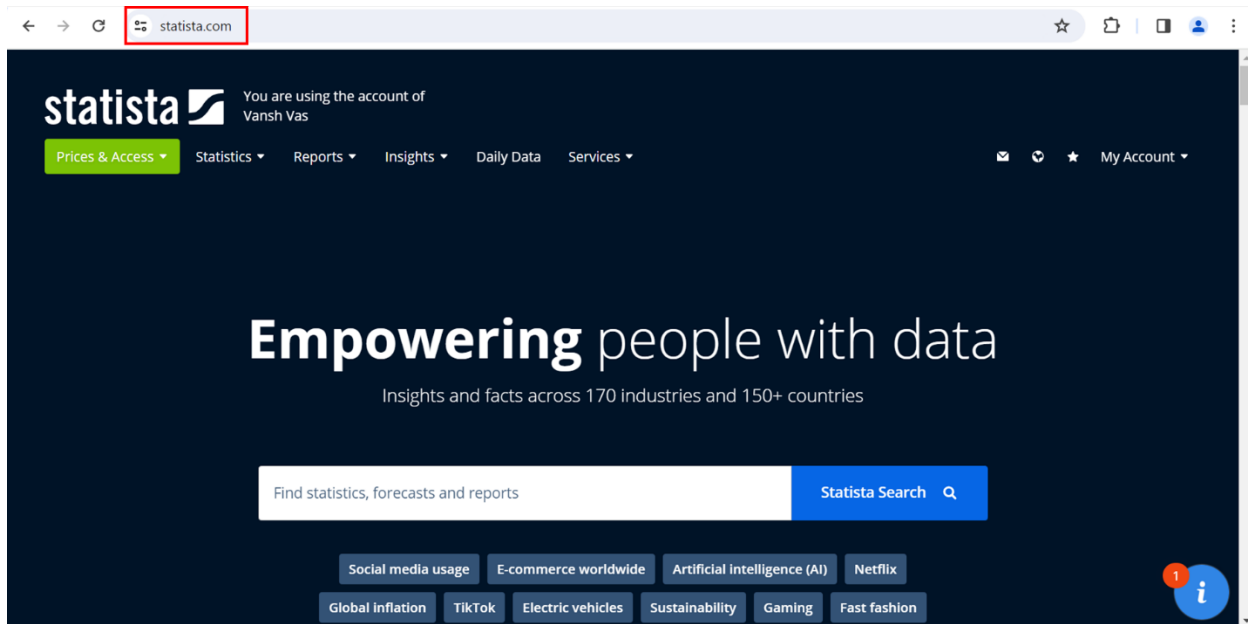


Figure 17: Screenshot of Statista Website after receiving a request to access <https://statista-info.com>. Statista, <https://www.statista.com/> (last visited Feb. 21, 2024).

118. More specifically, Statista, using the Accused Products, performs a step of receiving on the computer a name associated with the domain name, (for example, “statista-info.com”), said received name having a top-level domain portion and a Sub-domain portion, both in a native language character set selecting a translation formula: translating said received name with said translation formula to generate a scheme specific name by converting a sub-domain portion of said received name into a different sub-domain portion, (for example, “statista.com”), said scheme specific name being in the native language character set; and generating, from the computer, a request for the domain name based upon said scheme specific name. *See, e.g.*, Statista, <https://www.statista.com/> (last visited Feb. 21, 2024); *see also* FIGs. 16 and 17.

119. Accessify or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '722 patent.

120. Accessify has been damaged as a result of the infringing conduct by Statista alleged above. Thus, Statista is liable to Accessify in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

121. Accessify hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

122. Accessify requests that the Court find in its favor and against Defendant, and that the Court grant Accessify the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '032 patent, the '397 patent, and the '424 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patents by such entities;
- c. Judgment that Defendant accounts for and pays to Accessify all damages to and costs incurred by Accessify because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements be found willful as to the '032 patent, the '397 patent, and the '424 patent; and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award Accessify its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Date: May 7, 2024

Respectfully submitted,

/s/ C. Matthew Rozier

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* Admitted to the E.D. Texas

List of Exhibits

- A. Evidence of Use Chart – U.S. Patent No. 7,316,032
- B. Evidence of Use Chart – U.S. Patent No. 7,562,397
- C. Evidence of Use Chart – U.S. Patent No. 7,752,656
- D. Evidence of Use Chart – U.S. Patent No. 8,069,489
- E. Evidence of Use Chart – U.S. Patent No. 10,554,424
- F. Evidence of Use Chart – U.S. Patent No. 11,418,356
- G. Evidence of Use Chart – U.S. Patent No. 7,039,722

List of Attachments

- 1. Civil Cover Sheet
- 2. Proposed Summons