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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20
21 EXPRESS MOBILE, INC.,

22 Plaintiff,

23 v.

24 OATH HOLDINGS, INC., d/b/a
25 VERIZON MEDIA GROUP, f/k/a YAHOO!,
26

27 Defendant.
28

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Express Mobile, Inc. (“Express Mobile” or “Plaintiff”), for its complaint against
2 Defendant Oath Holdings, Inc., d/b/a Verizon Media Group, f/k/a Yahoo! (“Yahoo!” or “Defendant”),
3 alleges the following:

4 **NATURE OF THE ACTION**

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

7 **THE PARTIES**

8 2. Express Mobile is an inventor-owned corporation organized under the laws of the State
9 of Delaware with a place of business at 38 Washington Street, Novato, CA 94947.

10 3. Oath Holdings, Inc., d/b/a Verizon Media Group, is a corporation organized under the
11 laws of the State of Delaware and is a resident of this District with a place of business at 701 First
12 Avenue, Sunnyvale, CA 94089. It can be served through its registered agent in California, CT
13 Corporation System, 818 West Seventh Street, Suite 930, Los Angeles, CA 90017.

14 4. Yahoo! offers services throughout the United States, including in this judicial District,
15 and introduces services into the stream of commerce that incorporate infringing technology knowing
16 that those services would be used in this judicial District and elsewhere in the United States.

17 **JURISDICTION AND VENUE**

18 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

19 6. This Court has personal jurisdiction over Yahoo! because it has purposefully availed
20 itself of the rights and benefits of the laws of this State and this District. Yahoo! resides in the
21 Northern District of California by maintaining a regular and established place of business at 701 First
22 Avenue, Sunnyvale, CA 94089. This Court also has personal jurisdiction over Yahoo! because it has
23 done, and is doing, substantial business in this District, both generally and with respect to the
24 allegations in this complaint, including Yahoo!’s one or more acts of infringement in this District.

25 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Yahoo!
26 has committed acts of infringement through provision of its website builder in the Northern District of
27 California and has at least one regular and established place of business in this District, specifically 701
28 First Avenue, Sunnyvale, CA 94089. Yahoo!’s office in Sunnyvale is a physical place in the District, it

1 is an established location where Yahoo!'s business has been carried out for years, and Yahoo! publicly
2 advertises its presence in the District. *See In re Cray, Inc.*, 871 F.3d 1355, 1360-61 (Fed. Cir. 2017).

3 **BACKGROUND**

4 8. Plaintiff Express Mobile is an innovator and leader in the business of developing mobile
5 application and website design and creation platforms. Express Mobile is managed by individuals with
6 many years of technology and business experience. The CEO of Express Mobile, Steve Rempell, is the
7 inventor of the breakthrough technology held in Express Mobile's patent portfolio. Mr. Rempell has
8 over 50 years' experience working in technology companies, with much of that experience focused on
9 web-based technologies and applications.

10 9. Before the Express Mobile invention at issue, webpages were created, stored, and
11 rendered using code files that defined all the fixed parameters of the webpage, including, for example,
12 the formatting and location of text, or the location, size, and aspect ratio of images. Typically,
13 webpages could not be viewed during the creation process as they would later appear in the various
14 available browsers or on different devices, and each individual webpage of a website needed to be
15 stored as a separate file. The size and formatting of the stored files led to slow download times to the
16 user's computer, increasing the wait time for a page to load.

17 10. Express Mobile developed groundbreaking improvements in the process for creating,
18 storing, and building webpages and websites. Express Mobile's invention enables defining the
19 webpage as a collection of user settings, storing information related to those settings in a database, and
20 then later using that information to render a webpage. The page can be viewed, as it is created or
21 edited, in the same manner that it would appear on different types of screens when later accessed. The
22 result is not a collection of computer code, but instead a group of user-selected objects and settings
23 describing the final webpage. These objects and settings can be saved in a database for ease of access
24 and efficient storage. The invention allows faster loading speeds and permits more efficient storage of
25 the data used to later build the webpages. It also makes changing the webpage more efficient through
26 editing user settings rather than editing multiple lines or versions of code.

27 11. Defendant Yahoo! offers a wide array of services to consumers and businesses. Those
28 services include Yahoo! Small Business, which helps small and medium-sized businesses develop

1 websites and e-commerce stores without the need for trained web developers. Yahoo! Small Business
2 allows users to customize a webpage using a menu of settings that control the placement of elements
3 such as buttons, headers, and forms. Selection of specific menu items will correspondingly update the
4 preview of the final page.

5 12. For consumers, Yahoo! offers My Yahoo! – customized home pages (or “portal pages”)
6 that can display web content of the user’s choosing, according to layouts specified by the user. My
7 Yahoo! contains menus allowing users to customize the appearance of their Yahoo! portal page. For
8 example, users can select various web content to be displayed at different locations on the portal page.
9 They can customize their portal page to include multiple “tabs,” each with different content. And they
10 can select settings controlling the appearance of the page, such as “theme” colors. The preview of the
11 final page is updated when different menu items are selected.

12 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,546,397**

13 **(My Yahoo!)**

14 13. The allegations set forth in the foregoing paragraphs 1 through 12 are incorporated into
15 this First Claim for Relief.

16 14. On April 8, 2003, U.S. Patent No. 6,546,397 (“the ’397 patent”), entitled *Browser Based*
17 *Web Site Generation Tool and Run Time Engine*, was duly and legally issued by the United States
18 Patent and Trademark Office. A true and correct copy of the ’397 patent is attached as Exhibit A.

19 15. The claimed invention of the ’397 patent resolves technical problems related to website
20 creation and generation. Prior to the invention taught and disclosed in the ’397 patent, webpages were
21 generally created, stored, and rendered either by programming directly in HTML, CSS,¹ or JavaScript
22 code, or by using a visual editor that produced HTML files. The result was a collection of pages of
23 computer code – typically HTML, CSS, JavaScript, or Java applets – which defined the visual layout,
24 style, and business logic of websites.

25 16. Conventional website creation and generation methods suffered from many flaws.
26 Creating a webpage could be cumbersome. Webpages could not be viewed throughout the creation

27 ¹ CSS, or “Cascading Style Sheets,” is a programming language designed to interoperate with HTML
28 to specify the appearance and placement of web elements.

1 process as they would later appear in various browsers or on different devices. Each individual
2 webpage of a website was stored as a separate HTML, CSS, or JavaScript file, which wasted computer
3 resources and required longer access times in the form of hard drive access while editing websites, and
4 in the form of network traffic while downloading them. Prior-art methods also led to slow
5 downloading of the webpage file to a user's computer and slower rendering by the browser, which
6 increased the wait time for a page to load.

7 17. Unlike prior-art methods, the '397 patent brings together disparate ideas and concepts
8 for creating, storing, and building webpages. The Express Mobile invention at issue defines webpages
9 as combinations of user-selected objects and settings stored in a database, rather than as combinations
10 of computer code. Because code files do not need to be stored, the page structure – the vast majority of
11 the HTML code itself – is created on the fly each time the page is loaded in a user browser. This
12 unconventional step of building the webpage HTML code on the fly is performed by the run time
13 engine of the invention, using data representative of the user settings. This allows the system to
14 optimize the page based on device-specific information, including the operating system, browser, and
15 screen size. Moreover, the process of defining the webpages is done through a “What You See Is What
16 You Get” or “WYSIWYG” environment, so that, as the page is created or edited, it can be viewed in
17 the same manner it will appear on different types of screens when later accessed.

18 18. Express Mobile's patents are directed at a revolutionary technological solution to a
19 technological problem – how to create webpages for the Internet in a manner that permits “What You
20 See Is What You Get” editing, and a number of other improvements over the then-existing
21 methodologies. The claims are not drawn so broadly as to be divorced from the patent-eligible
22 technological improvements described in the specification.

23 19. The invention claimed in the '397 patent is not merely the routine or conventional use of
24 website creation systems and methods. Rather, the invention enables the creation of websites through
25 browser-based visual editing tools such as selectable settings panels that describe website elements,
26 with one or more settings corresponding to commands. The invention also enables retrieving that
27 information to generate a website. Those features are implemented exclusively using computer
28 technology, including using virtual machines.

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