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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 PINTEREST, INC.,  
25 Defendant.  
26  
27  
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 Pinterest, Inc. (“Pinterest” or “Defendant”), alleges the following:

3 **NATURE OF THE ACTION**

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

6 **THE PARTIES**

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

9 3. Pinterest is a corporation organized under the laws of the State of Delaware with a place  
10 of business at 808 Brannan Street, San Francisco, CA 94013. It can be served through its registered  
11 agent in California, Anthony T. Falzone, at 808 Brannan Street, San Francisco, CA 94013.

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

15 **JURISDICTION AND VENUE**

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

17 6. This Court has personal jurisdiction over Pinterest because it has purposefully availed  
18 itself of the rights and benefits of the laws of this State and this District. Pinterest resides in the  
19 Northern District of California by maintaining a regular and established place of business at 808  
20 Brannan Street, San Francisco, CA 94013. This Court also has personal jurisdiction over Pinterest  
21 because it has done and is doing substantial business in this District, both generally and with respect to  
22 the allegations in this complaint, including Pinterest’s one or more acts of infringement in this District.

23 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).  
24 Pinterest has committed acts of infringement through provision of its website builder in the Northern  
25 District of California and has at least one regular and established place of business in this District,  
26 specifically 808 Brannan Street, San Francisco, CA 94013. Pinterest’s office in San Francisco is a  
27 physical place in the District, it is an established location where Pinterest’s business has been carried  
28

1 out for years, and Pinterest publicly advertises its presence in the District. *See In re Cray, Inc.*, 871  
2 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 Pinterest is a consumer-products social media and branding company. Its  
28 eponymous service, Pinterest, is an image-centric social media and marketing site. Pinterest allows

1 users to create webpages (“pin boards” or “boards”) comprised of images (“pins”) and links. The site  
2 offers search functionality that allows users to find preexisting pins to include on their boards.  
3 Pinterest boards are often home or fashion oriented, and pins are therefore often items like furniture or  
4 home decor. Once created, boards can be shared publicly or with friends.

5 12. Although Pinterest boards are conceptually simple (a matrix of images), the site contains  
6 menus for uploading images, creating section headings, and reorganizing images. The site reacts in real  
7 time to changes made via the menus.

8 13. Settings describing the content of the pin board and controlling the appearance of the  
9 pins are stored in a database. When another user accesses a pin board, the settings are retrieved from  
10 the database and are used in conjunction with JavaScript “run time files” to render the pin board on the  
11 other user’s browser, reflecting the pinned content and all associated settings (such as labels and  
12 organization).

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

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

16 15. 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 16. 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,<sup>1</sup> 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  
26  
27 <sup>1</sup> 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           17. Conventional website creation and generation methods suffered from many flaws.  
2 Creating a webpage could be cumbersome. Webpages could not be viewed throughout the creation  
3 process as they would later appear in various browsers or on different devices. Each individual  
4 webpage of a website was stored as a separate HTML, CSS, or JavaScript file, which wasted computer  
5 resources and required longer access times in the form of hard drive access while editing websites, and  
6 in the form of network traffic while downloading them. Prior-art methods also led to slow  
7 downloading of the webpage file to a user's computer and slower rendering by the browser, which  
8 increased the wait time for a page to load.

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

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

25           20. The invention claimed in the '397 patent is not merely the routine or conventional use of  
26 website creation systems and methods. Rather, the invention enables the creation of websites through  
27 browser-based visual editing tools such as selectable settings panels that describe website elements,  
28 with one or more settings corresponding to commands. The invention also enables retrieving that

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