

Exhibit D-1 (Infringement Contentions for U.S. Patent No. 9,471,287 v. Google Docs)

Plaintiff Express Mobile accuses Defendant Google LLC (“Google”) of making, using, offering for sale, and/or selling in the United States and/or importing into the United States the Google Docs platform, including docs.google.com and the Google Docs app (available for Apple iOS devices (including iPads, iPhones, and iPod Touch) on Apple’s App Store, Android devices (including smartphones and tablets) on the Google Play Store, and related software and servers that afford users access to a system for generating and providing content on a display of a device (collectively, the “Accused Instrumentalities”). The term “Accused Instrumentalities” includes the associated computer software and data, associated hardware, and processes and methods related thereto that infringe U.S. Patent No. 9,471,287 (the “’287 Patent”) by making, using, offering for sale, selling in and/or importing into the United States the Accused Instrumentalities, which meet each and every limitation of the claims as shown in the charts below. Plaintiff has infringed and continues to infringe the ’287 Patent through other software and systems utilizing the same or similar functionality, including other versions of the Accused Instrumentalities. Google has infringed, and continues to infringe, the claims of the ’287 Patent listed below in the United States by performing and/or directing its users to perform one or more of the claims and/or conditioning the use of the Accused Instrumentalities and/or receipt of a benefit upon a user’s performance of one or more steps, and establishing the manner or timing of that performance. Google conditions the use of its service upon the performance of one or more steps of the claimed method of the ’287 Patent by requiring a user to navigate its system in an infringing manner to receive profits from such an arrangement by charging the certain users a fee for subscribing to the service. Google also conditions the receipt of a benefit by a user, *i.e.*, the user benefits by being able to access the system and design a Google Docs document, upon the user to navigate its system in an infringing manner. Google establishes the manner or timing of a user’s performance of the steps because the Google software limits how the user can interact with the document creation system. The acts of Google and its service providers, such as those that provide infrastructure, hosting, and/or tracking services are also attributable to Google. Google receives the services of these service providers by agreement. An analysis of the contracts between these service providers is necessary to fully and accurately describe the reasons their acts are attributable to Google and, accordingly, Plaintiff requests the Court to supplement these infringement contentions once such information is made available to Plaintiff.

Google markets Google Docs both individually and as a product through Google Workspace (formerly known as G Suite). Google includes Google Docs as a service for a monthly per user fee. Plaintiff accuses both Google Docs in an individual offering and Google Docs as part of Google Workspace, as well as any other offerings or versions of the Google Docs platform.

Google induces infringement of the ’287 Patent by providing to third parties including users, customers, agents and other third parties the Accused Instrumentalities to utilize in an infringing manner, as charted below, and intends to cause infringement of the ’287 Patent as Google instructs and/or controls and directs third parties to use the Accused Instrumentalities in an infringing manner without limitation by instructing the users to operate Google products, such as those located at docs.google.com.

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provides support services for the Accused Instrumentalities, including providing instructions, guides, online materials, and technical support.

Google contributes to infringement of the '287 Patent by providing its document creation service and/or software, which comprises the claimed system and steps, as charted below. Google knows portions of the Accused Instrumentalities are especially made or especially adapted for use in infringement of the '287 Patent, and not to be staple articles, and not commodities of commerce suitable for substantial noninfringing use.

The asserted claims include elements that are implemented, at least in part, by proprietary and specialized firmware in the Accused Instrumentalities. The precise designs, processes, and algorithms used in them are held secret, at least not publicly available in their entirety. An analysis of Google's documentation and/or source code may be necessary to accurately describe all infringing features and functionality of the Accused Instrumentalities and, accordingly, Plaintiff has the right to supplement these contentions once such information is made available to Plaintiffs. Furthermore, Plaintiffs reserve the right to revise these contentions, including as discovery in the case progresses, in view of any non-infringement arguments (e.g., to allege infringement under the doctrine of equivalents), in view of the Court's final claim construction in connection with the provision of expert reports.

Claim	Accused Instrumentalities
1. A system for generating code to provide content on a display of a device, said system comprising:	<p>The Accused Instrumentalities comprise a system for generating code to provide content on a display of a device.</p> <p>As shown below, the Google Docs system provides dynamically generated content on a display of a device, comprising user-designed documents through an authoring tool and environment.</p>

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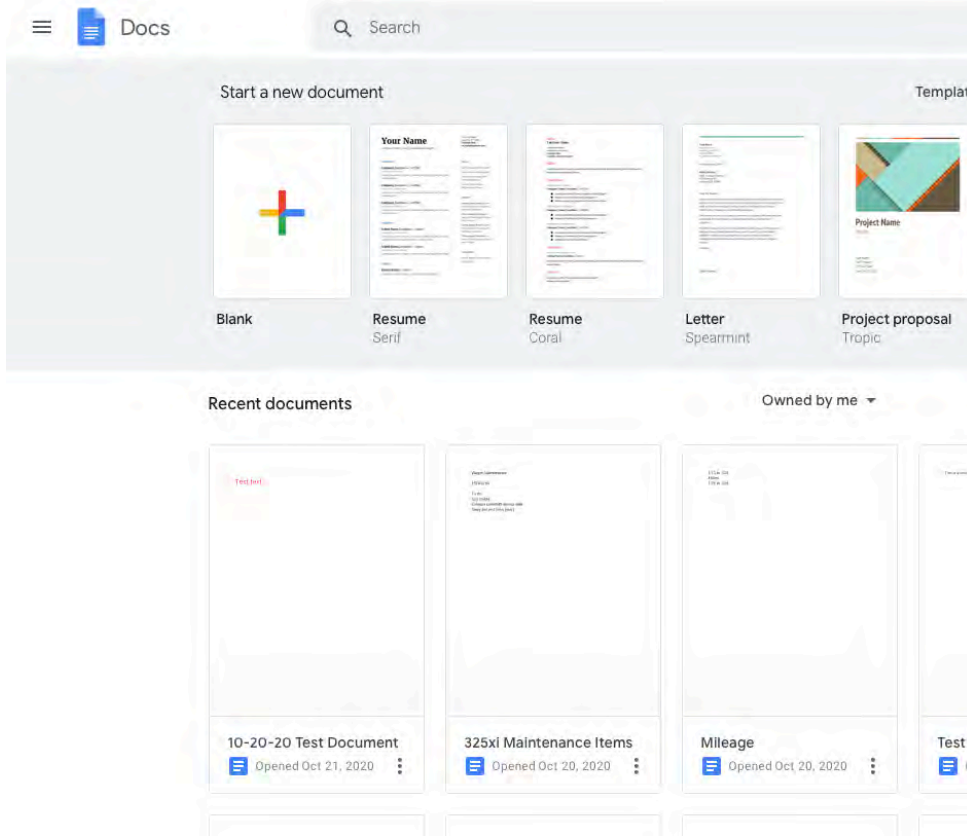
Claim	Accused Instrumentalities
	

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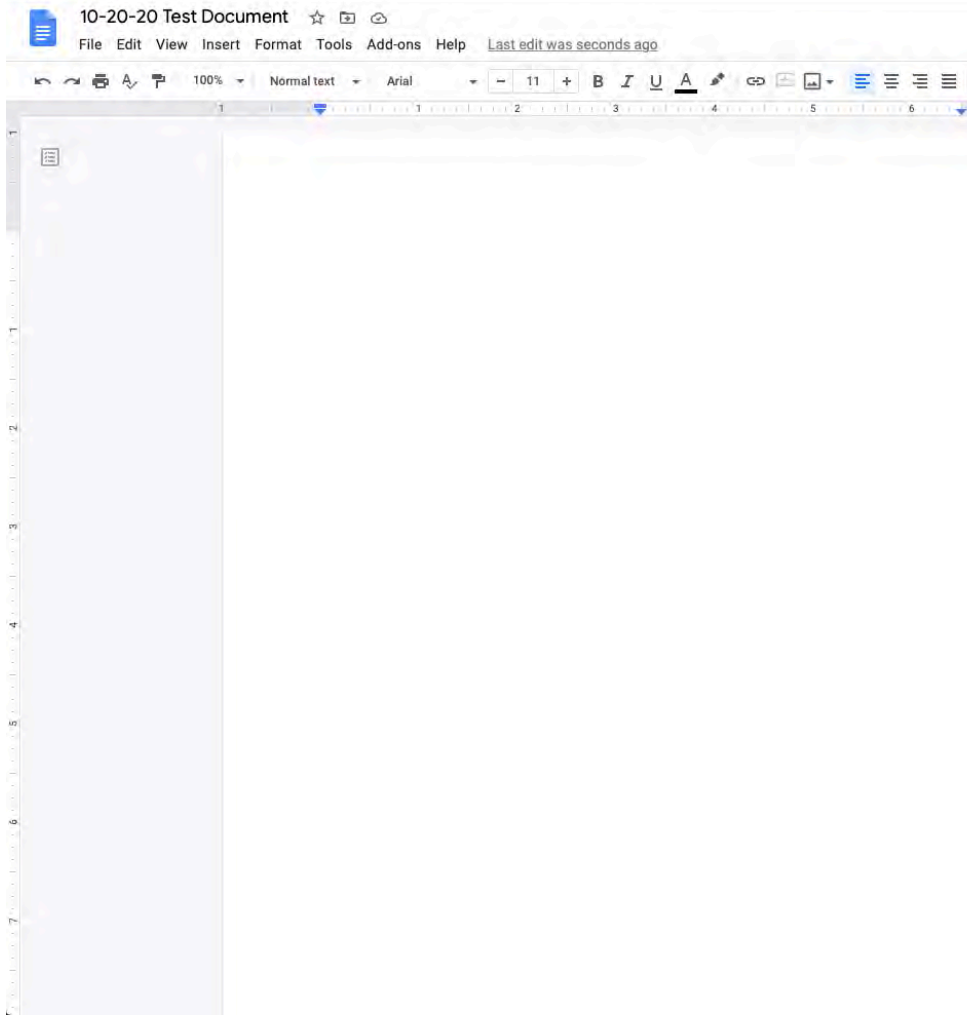
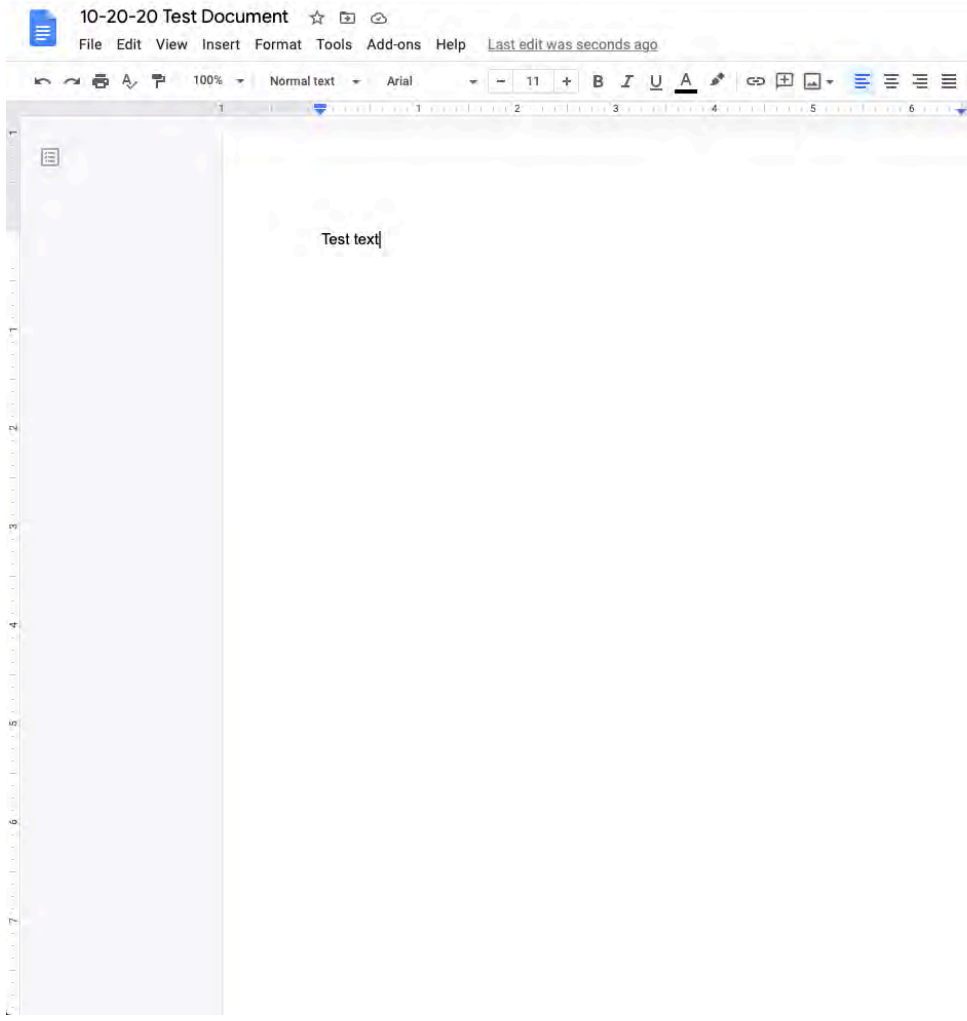
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