

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(BALTIMORE DIVISION)**

EZSHIELD, INC., a Delaware Corporation,
415 Williams Court, Suite 116
Baltimore, Maryland

Plaintiffs,

v.

HARLAND CLARKE CORP., a
Delaware Corporation,
1904 Park 100 Drive
Glen Burnie, Maryland

Defendant.

Civil Action No. 13-0001 MJG

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff EZSHIELD, INC. (“EZShield”), for its First Amended Complaint against Defendant HARLAND CLARKE CORP. (“Harland Clarke”), hereby alleges as follows:

PARTIES

1. EZShield is a corporation organized under the laws of the State of Delaware with offices in Baltimore, Maryland and Palo Alto, California.
2. Harland Clarke is a corporation organized under the existing laws of the State of Delaware, with a principal place of business in San Antonio, Texas and locations across the country including 1904 Park 100 Drive in Glen Burnie, Maryland.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 100, *et seq.*, and this Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).
4. Venue is proper in this Court under 28 U.S.C §1400(b).
5. This Court has personal jurisdiction over Harland Clarke in this jurisdiction as it has, and

holds itself out as having, business operations in Baltimore, Maryland.

FIRST CAUSE OF ACTION

HARLAND CLARKE'S INFRINGING CONDUCT

6. On January 1, 2013, U.S. Patent No. 8,346,637 ("the '637 Patent"), entitled "System and Method for Recovery for Victims of Check Fraud," was duly and legally issued by the United States Patent and Trademark Office. EZShield is the owner of all right and title, both legal and equitable, to the '637 Patent. (EZShield's rights associated with the '637 Patent are sometimes referred to herein as "Check Fraud Protection" or "CFP.") A true and correct copy of the '637 Patent is attached hereto as Exhibit A.

7. EZShield has notified the public and Harland Clarke of its patent pending in CFP.

8. Upon information and belief, Harland Clarke purports to own, uses, distributes, offers to sell and/or sells in the United States directly to consumers and through certain resellers, a system and method known as "CheckArmor" that infringes the '637 Patent.

9. Upon information and belief, Harland Clarke has contributed to the infringement of the '637 Patent by others, through Harland Clarke's business activities relating to CheckArmor.

10. Upon information and belief, Harland Clarke has induced the infringement of the '637 Patent by others, through Harland Clarke's business activities relating to CheckArmor.

11. Upon information and belief, Harland Clarke purports to own, uses, distributes, offers to sell and/or sells in the United States directly to consumers and through certain resellers, a system and method known as "FraudArmor" that infringes the '637 Patent.

12. Upon information and belief, Harland Clarke has contributed to the infringement of the '637 Patent by others, through Harland Clarke's business activities relating to FraudArmor.

13. Upon information and belief, Harland Clarke has induced the infringement of the '637 Patent by others, through Harland Clarke's business activities relating to FraudArmor.

14. Each of Harland Clarke's infringing actions is without the consent of, authority of, or

license from EZShield.

15. Harland Clarke's acts of infringement have caused damage to EZShield in an amount to be determined at trial.

16. Harland Clarke's infringement of the '637 Patent is causing irreparable harm to EZShield, for which there is no remedy at law. Harland Clarke's infringement will continue, and will continue to cause irreparable harm to EZShield, unless Harland Clarke's infringement is enjoined by this Court.

17. Upon information and belief, Harland Clarke's infringement of the '637 Patent was and is "willful and deliberate," entitling EZShield to enhanced damages under 35 U.S.C. §284.

PRAYER FOR RELIEF

WHEREFORE, EZShield prays for judgment and seeks relief as follows:

- A. A judgment that Harland Clarke has infringed U.S. Patent No. 8,346,637;
- B. Preliminary and permanent injunctions against further infringement by Harland Clarke of U.S. Patent No. 8,346,637, including injunctions against direct infringement, contributory infringement, and induced infringement;
- C. An award of damages for Harland Clarke's infringement of U.S. Patent No. 8,346,637;
- D. A declaration that Harland Clarke's infringement of U.S. Patent No. 8,346,637 was and is willful, and that this is an exceptional case under 35 U.S.C. § 285;
- E. A trebling of the award of damages under 35 U.S.C. § 284, or such other enhancement of the award of damages that the Court deems appropriate;
- F. An award of attorneys' fees and non-taxable costs under 35 U.S.C. § 285 on account of Harland Clarke's willful infringement;
- G. An award of taxable costs; and
- H. Such other and further relief as this Court may deem just and proper.

Dated: September 6, 2013

COOLEY LLP

/s/ Christopher C. Campbell

Christopher C. Campbell (MD Bar No. 99389)

(*admitted pro hac vice*)

COOLEY LLP

One Freedom Square

Reston Town Center

11951 Freedom Dr.

Reston, VA 20190

Tel: (703) 456-8133

Fax: (703) 456-8100

Email: ccampbell@cooley.com

Robert B. Lovett (MD Bar No. 99308)

(*admitted pro hac vice*)

COOLEY LLP

500 Boylston St.

Boston, MA 02116

Tel: (617) 937-2313

Fax: (617) 830-8704

Email: rlovett@cooley.com

Brendan J. Hughes (Bar No. 17042)

Cooley LLP

1299 Pennsylvania Avenue NW, Suite 700

Washington, DC 20004

Telephone: (202) 842-7800

Facsimile: (202) 842-7899

Email: bhughes@cooley.com

Thomas J. Friel (*pro hac vice* motion to be filed)

Cooley LLP

101 California Street

San Francisco, CA 94111

Telephone: (415) 693-2162

Facsimile: (415) 493-2222

Email: tfriel@cooley.com

ATTORNEYS FOR PLAINTIFF
EZSHIELD, INC.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff EZSHIELD, INC. hereby demands a trial by jury on all issues so triable that are raised herein or that hereinafter may be raised in this action.

Dated: September 6, 2013

COOLEY LLP

/s/ Christopher C. Campbell

Christopher C. Campbell (MD Bar No. 99389)

(*admitted pro hac vice*)

COOLEY LLP

One Freedom Square

Reston Town Center

11951 Freedom Dr.

Reston, VA 20190

Tel: (703) 456-8133

Fax: (703) 456-8100

Email: ccampbell@cooley.com

Robert B. Lovett (MD Bar No. 99308)

(*admitted pro hac vice*)

COOLEY LLP

500 Boylston St.

Boston, MA 02116

Tel: (617) 937-2313

Fax: (617) 830-8704

Email: rlovett@cooley.com

Brendan J. Hughes (Bar No. 17042)

Cooley LLP

1299 Pennsylvania Avenue NW, Suite 700

Washington, DC 20004

Telephone: (202) 842-7800

Facsimile: (202) 842-7899

Email: bhughes@cooley.com

Thomas J. Friel (*pro hac vice* motion to be filed)

Cooley LLP

101 California Street

San Francisco, CA 94111

Telephone: (415) 693-2162

Facsimile: (415) 493-2222

Email: tfriel@cooley.com

ATTORNEYS FOR PLAINTIFF
EZSHIELD, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was, on September 6, 2013, electronically filed with the Court and served upon all registered users in this matter utilizing the Court's CM/ECF System.

/s/ Christopher C. Campbell
Christopher C. Campbell (MD Bar No. 99389)
(*admitted pro hac vice*)
COOLEY LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190
Tel: (703) 456-8133
Fax: (703) 456-8100
Email: ccampbell@cooley.com

391387 v1/CO