

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

FINNAVATIONS, LLC

Plaintiff,

vs.

AMERICAN EXPRESS COMPANY

Defendant.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Finnnavations, LLC (“Plaintiff” or “Finnnavations”) files this Complaint against American Express Company (“Defendant” or “Amex”) for infringement of United States Patent No. 9,569,755 (hereinafter “the ‘755 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 3415 Custer Rd., Suite 120-B, Plano, Texas 75023.

4. Upon information and belief, Defendant is a corporation organized under the laws of New York. On information and belief, Amex is doing business in the state of Texas but has failed to appoint an agent for service of process in Texas. Accordingly, Amex can be served

under the Texas Long Arm Statute and/or the Texas Business Organizations Code by serving the Secretary of State. Amex's home, home office, and principal office address is 200 Vesey Street, New York, New York 10285-3106. On information and belief, Amex may also be served through its registered agent, CT Corporation System, 111 Eighth Avenue, New York, New York 10011.

5. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this District. In addition, and in the alternative, Defendant has committed acts of infringement in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,569,755)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '755 Patent with sole rights to enforce the '755 Patent and sue infringers.

11. A copy of the '755 Patent, titled "Financial Management System," is attached

hereto as Exhibit A.

12. The ‘755 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. The ‘755 Patent was issued on February 14, 2017 after all claims of the ‘755 Patent overcame Examiner’s claim rejections under 35 USC § 101 raised in the Examiner’s June 14, 2016 non-final rejection.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claims 9, 15, 17 and 19, of the ‘755 Patent by making, using, importing, selling, and/or offering for sale a financial management system, including the American Express ReceiptMatch app and the American Express online account system and interface (“Product”), covered by Claims 9, 15, 17 and 19 of the ‘755 Patent. Defendant has infringed and continues to infringe the ‘755 Patent in violation of 35 U.S.C. § 271.

13. Defendant sells, offers to sell, and/or uses the Product, which provides for delivery of transaction data such as information relating to credit card transactions and bill payments to a financial management application (e.g., the American Express online account system and interface).

14. The Product uses a network device (e.g., laptop, computer or mobile device) to conduct an online financial transaction (e.g., a user can match receipt images to credit card transactions and add various tags/notes to the transactions using the ReceiptMatch app) with a commercial web server (e.g. receipt matching and transaction tagging utilize Defendant’s server).

15. The Product utilizes a financial assistant (e.g., the ReceiptMatch app or web-based application) on a network device (e.g., laptop, computer or mobile) to search a set of transmitted data related to online financial transactions (e.g., the ReceiptMatch app will search

through transaction data (e.g., payor, payee, amount, date, etc.) to try to match the transaction data with receipt images).

16. The financial assistant (e.g., the ReceiptMatch app) will determine whether the searched data (e.g., transaction data related to various credit card transactions) comprises transaction data for the online financial transaction (e.g., the ReceiptMatch app determines if the credit card transaction data matches the transaction displayed in the receipt currently being matched).

17. The Product utilizes transaction data in a first data structure compatible with conducting the online financial transaction (e.g., transaction data is in a format suitable for searching/matching with receipt images). The Product utilizes a financial assistant (e.g., the ReceiptMatch app) on the network device to copy and store transaction data (e.g., information relating to credit card transactions and bill payments such as amount, date, etc.) and additional transaction data not included in the transmitted transaction data (e.g., the ReceiptMatch app aggregates the transaction data and adds additional information such as corresponding tags, notes, and receipt images) into a second data structure compatible with the financial management program (e.g., on information and belief, the raw transaction data will be compiled with tags, notes and receipt images to form a new data structure appropriate to be transmitted to and displayed on the American Express online account system and interface).

18. Regarding Claim 15, the Product's second data structure includes a category field (e.g., different categories such as transportation, restaurant, etc. or other description) and a default value for the category field is provided by at least one of the network device and a user (e.g., a user can edit the category).

19. Regarding Claim 17, the Product's network device is at least one of a terminal

device (e.g., smartphone or computer) and a computer server (e.g., cloud app).

20. Regarding Claim 19, the Product performs an online transaction including exchanging an account number to render payment for at least one of a good and service (e.g., bill payment through account interface).

21. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

22. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

23. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,569,755 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: March 29, 2017

Respectfully submitted,

/s/Jay Johnson

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A