

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AUTOMATED TRANSACTIONS LLC,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No.
	)	
IYG HOLDING CO., 7-ELEVEN, INC.,	)	JURY TRIAL DEMANDED
VCOM FINANCIAL SERVICES, INC., and	)	
CARDTRONICS USA, INC.,	)	
	)	
Defendants.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Automated Transactions LLC (hereinafter “Automated Transactions”), a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 160 Greentree Drive, Suite 101, Kent, DE 19904, for its complaint, hereby alleges as follows:

**NATURE OF THE SUIT**

This is a suit against defendants for violation of United States Patent Laws, 35 U.S.C. §1 *et seq.*, by selling products and providing services that infringe one or more of the claims of plaintiff’s United States Patent Nos. 6,945,457; 7,571,850; 7,591,420; 7,575,158; 7,597,248; 7,600,677; and 7,699,220 (jointly “the patents in suit”).

**THE PARTIES**

1. Automated Transactions is the exclusive licensee of the patents in suit with the right to sue for infringement in its own name.

2. Defendant IYG Holding Co. (hereinafter “IYG”), is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

3. Defendant 7-Eleven, Inc. (hereinafter “7-Eleven”), is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

4. Defendant Vcom Financial Service, Inc. (hereinafter “Vcom Financial”), is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

5. Defendants 7-Eleven, Vcom Financial and IYG are hereinafter collectively referred to as “7-Eleven.”

6. Upon information and belief, 7-Eleven and Vcom Financial are or were subsidiaries of or substantially owed by IYG.

7. Defendant Cardtronics, Inc. (“Cardtronics”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 3250 Brianpark Drive, Suite 400, Houston, Texas.

8. Upon information, on or about June 2007, Cardtronics acquired the U.S. ATM operations of 7-Eleven.

### **JURISDICTION AND VENUE**

9. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 27 U.S.C. §1338(a).

10. 7-Eleven and Cardtronics are engaged in the marketing and sale of products and services throughout the United States.

11. Venue is proper in this judicial district under 28 U.S.C. §§1391(b), 1391(c), and 1400(b).

12. Personal jurisdiction over defendants is proper as 7-Eleven and Cardtronics do business in this district, have substantial contacts with this district, and are committing and contributing to the acts of patent infringement alleged in this Complaint in this district.

### **FIRST CLAIM FOR RELIEF**

#### **Patent Infringement**

13. On September 20, 2005, United States Patent No. 6,945, 457 (the '457 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '457 patent is attached hereto as Exhibit A. A certification of correction filed with the United States Patent and Trademark Office is appended thereto.) The '457 patent is presently undergoing re-examination.

14. Automated Transactions is the exclusive licensee of the '457 patent, and has the right to sue and recover damages for infringement thereof.

15. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '457 patent, by selling and offering to sell products and services within the scope of one or more claims of the '457 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

16. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '457 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

17. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

18. Automated Transactions has no adequate remedy at law.

## **SECOND CLAIM FOR RELIEF**

### **Patent Infringement**

19. On August 11, 2009, United States Patent No. 7,571,850 (the '850 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '850 patent is attached hereto as Exhibit B.)

20. Automated Transactions is the exclusive licensee of the '850 patent, and has the right to sue and recover damages for infringement thereof.

21. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '850 patent, by selling and offering to sell products and services within the scope of one or more claims of the '850 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

22. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '850 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

23. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

24. Automated Transactions has no adequate remedy at law.

### **THIRD CLAIM FOR RELIEF**

#### **Patent Infringement**

25. On August 11, 2009, United States Patent No. 7,591,420 (the '420 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '420 patent is attached hereto as Exhibit C.)

26. Automated Transactions is the exclusive licensee of the '420 patent, and has the right to sue and recover damages for infringement thereof.

27. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '420 patent, by selling and offering to sell products and services within the scope of one or more claims of the '420 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

28. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '420 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

29. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

30. Automated Transactions has no adequate remedy at law.

#### **FOURTH CLAIM FOR RELIEF**

##### **Patent Infringement**

31. On August 18, 2009, United States Patent No. 7,591,158 (the '158 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '158 patent is attached hereto as Exhibit D.)

32. Automated Transactions is the exclusive licensee of the '158 patent, and has the right to sue and recover damages for infringement thereof.

33. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '158 patent, by selling and offering to sell products and services within the scope of one or more claims of the '158 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

34. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '158 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

35. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

36. Automated Transactions has no adequate remedy at law.

### **FIFTH CLAIM FOR RELIEF**

#### **Patent Infringement**

37. On October 6, 2009, United States Patent No. 7,597,248 (the '248 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '248 patent is attached hereto as Exhibit E.)

38. Automated Transactions is the exclusive licensee of the '248 patent, and has the right to sue and recover damages for infringement thereof.

39. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and or induce infringement of, the '248 patent, by selling and offering to sell products and services within the scope of one or more claims of the '248 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

40. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '248 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

41. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

42. Automated Transactions will have no adequate remedy at law.

### **SIXTH CLAIM FOR RELIEF**

#### **Patent Infringement**

43. On October 13, 2009, United States Patent No. 7,600,677 (the '677 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '677 patent is attached hereto as Exhibit F.)

44. Automated Transactions is the exclusive licensee of the '677 patent, and has the right to sue and recover damages for infringement thereof.

45. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and or induce infringement of, the '677 patent, by selling and offering to sell products and services within the scope of one or more claims of the '677 patent, including without limitation, providing retail transactions to consumers through 7-Eleven automated teller machines other than its Vcom machines (the Vcom machines are already subject of Civil Action No. 06-cv-43 (SLR) (LPS)).

46. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '677 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

47. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

48. Automated Transactions will have no adequate remedy at law.

### **SEVENTH CLAIM FOR RELIEF**

#### **Patent Infringement**

49. On April 20, 2010, United States Patent No. 7,699,220 (the '220 Patent), entitled "Automated Transaction Machine", was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '220 Patent is attached hereto as Exhibit G).

50. Automated Transactions is the exclusive licensee of the '220 Patent, and has the right to sue and recover damages for infringement thereof.

51. 7-Eleven and Cardtronics have directly and/or contributorily infringed, and/or induced infringement of, and are continuing to directly and/or contributorily infringe, and/or induce infringement of, the '220 Patent, by selling and offering to sell products and services within the scope of one or more claims of the '220 Patent, including without limitation, providing retail transactions to customers through 7-Eleven automated teller machines including but not limited to Vcom machines.

52. The acts of infringement of 7-Eleven and Cardtronics have occurred with knowledge of the '220 Patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. §285.

53. Automated Transactions has been damaged by the infringement of 7-Eleven and Cardtronics and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

54. Automated Transactions will have no adequate remedy at law.

WHEREFORE, Automated Transactions demands judgment as follows:

A. An order adjudging 7-Eleven and Cardtronics to have infringed the '457, '850, '420, '158, '246, '677 and '220 patents;

B. A permanent injunction enjoining 7-Eleven and Cardtronics, together with their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the patents in suits.

C. An award of damages adequate to compensate Automated Transactions for the infringement of 7-Eleven and Cardtronics, along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty.

D. An order requiring 7-Eleven and Cardtronics to pay treble the amount of compensatory damages pursuant to the provisions of 35 U.S.C. §284.

E. An award of Automated Transactions' reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. §285.

F. An award of Automated Transactions' costs.


G. Such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), plaintiff hereby demands a trial by a jury of twelve persons on all issues so triable herein.

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