

JAN 15 2013

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By  Deputy Clerk

RWS

JOAO BOCK TRANSACTION
SYSTEMS, LLC,

Plaintiff,

v.

GEORGIA'S OWN CREDIT UNION,

Defendant.

Civil Action No.

13-CV-0147

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff JOAO BOCK TRANSACTION SYSTEMS, LLC ("Plaintiff" or "JBTS"), by and through its undersigned counsel, files this Complaint for patent infringement against Defendant GEORGIA'S OWN CREDIT UNION ("Defendant") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 6,047,270 entitled "*Apparatus and Method for Providing Account Security*" (the "'270 patent"; a copy of which is attached hereto as Exhibit A) and Plaintiff's United States Patent No. 7,096,003 entitled

“Transaction Security Apparatus” (hereinafter, the “‘003 patent”; a copy of which is attached hereto as Exhibit B) (collectively, the ‘270 patent and the ‘003 patent are referred to herein as the “Patents-in-Suit”). Plaintiff is the legal owner of the Patents-in-Suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. JBTS is a limited liability company organized under the laws of the State of Delaware. Plaintiff maintains its principal place of business at 116 Sweetfield Circle, Yonkers, New York 10704. JBTS is the exclusive owner of the Patents-in-Suit and all rights thereto, including the exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing in this district and elsewhere into the United States the patented invention(s) of the Patents-in-Suit, the right to sublicense the Patents-in-Suit, and to sue the Defendant for infringement and recover past damages.

3. Upon information and belief, Georgia’s Own Credit Union is, and at all relevant times mentioned herein was, a corporation duly organized and existing under the laws of the State of Georgia, having its principal place of business located at 1155 Peachtree Street, NE, Suite 400, Atlanta, GA 30309.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Defendant because: Defendant has minimum contacts within the State of Georgia and the Northern District of Georgia; Defendant has purposefully availed itself of the privileges of conducting business in the State of Georgia and in the Northern District of Georgia; Defendant has sought protection and benefit from the laws of the State of Georgia; Defendant regularly conducts business within the State of Georgia and within the Northern District of Georgia; and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Georgia and in the Northern District of Georgia.

6. More specifically, Defendant, directly and/or through its intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States, the State of Georgia, and the Northern District of Georgia. Upon information and belief, Defendant and/or its customers have committed patent

infringement in the State of Georgia and in the Northern District of Georgia. Defendant solicits customers in the State of Georgia and in the Northern District of Georgia. Defendant has many paying customers who are residents of the State of Georgia and the Northern District of Georgia and who use Defendant's products and services in the State of Georgia and in the Northern District of Georgia.

7. Venue is proper in the Northern District of Georgia pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 6,047,270
BY GEORGIA'S OWN CREDIT UNION

8. JBTS repeats and incorporates herein paragraphs 1 through 7 as though they were fully set forth herein.

9. The '270 patent was duly and legally issued by the United States Patent and Trademark Office on April 4, 2000 after full and fair examination to the inventors Raymond Anthony Joao and Robert Richard Bock, who assigned all rights, title and interest in and to the '270 patent to Plaintiff. Plaintiff is the exclusive owner of the '270 patent and all rights thereto, including the exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing in this district and elsewhere into the United States the patented

invention(s) of the '270 patent, the right to sublicense the '270 patent, and to sue the Defendant for infringement and recover past damages.

10. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '270 patent by making, using, and providing its Online Banking and Online Bill Pay services to its customers. By way of example, Defendant's Online Bill Pay service uses a processor which processes a signal which contains information corresponding to a transaction on an account owner's electronic money account. Defendant's Online Bill Pay service also uses a transmitter and/or receiver which transmits and/or receives a signal for notifying the account owner of a transaction on the account.

11. Upon information and belief, Defendant has induced and continues to induce infringement of one or more claims of the '270 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused its customers to use its Online Banking and Online Bill Pay services, having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers. Defendant has had knowledge of the '270 patent since commencement of this action at least. Upon information and belief, Defendant has specifically intended and/or specifically intends that its customers

use the accused products in such a way that infringes the '270 patent by, at minimum, providing instructions to its customers on how to use the accused products in such a way that infringes the '270 patent and knew and/or knows that its actions, including but not limited to providing such instructions, would induce, have induced, and will continue to induce infringement by its customers.

12. Upon information and belief, Defendant has contributed to and continues to contribute to the infringement of one or more claims of the '270 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused its customers to use its Online Banking and Online Bill Pay services, having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers by offering to sell, and selling (directly or through intermediaries), to its customers, its Online Banking and Online Bill Pay services covered by the '270 patent that constitute a material part of the invention, and that its customers have utilized said services in a manner that infringes one or more claims of the '270 patent. Defendant has had knowledge of the '270 patent since commencement of this action at least. Upon information and belief, Defendant has specifically intended and/or specifically intends that its customers use the accused products in such a way that infringes the '270 patent by,

at minimum, providing instructions to its customers on how to use the accused products in such a way that infringes the '270 patent, and knew and/or knows that its Online Banking and Online Bill Pay services are especially made and/or adapted for user(s) to infringe one or more claims of the '270 patent and, therefore, are not staple articles or commodities of commerce suitable for a substantial non-infringing use.

13. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

14. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

15. Defendant's infringement of Plaintiff's exclusive rights under the '270 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 7,096,003
BY GEORGIA'S OWN CREDIT UNION

16. JBTS repeats and incorporates herein paragraphs 1 through 15 as though they were fully set forth herein.

17. The '003 patent was duly and legally issued by the United States Patent and Trademark Office on August 22, 2006 after full and fair examination to the inventors Raymond Anthony Joao and Robert Richard Bock, who assigned all rights, title and interest in and to the '003 patent to Plaintiff. Plaintiff is the exclusive owner of the '003 patent and all rights thereto, including the exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing in this district and elsewhere into the United States the patented invention(s) of the '003 patent, the right to sublicense the '003 patent, and to sue the Defendant for infringement and recover past damages.

18. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '003 patent by making, using, and providing its Online Banking and Online Bill Pay services to its customers. By way of example, Defendant's Online Bill Pay service uses a processor which processes a signal which contains information corresponding to a transaction on an account owner's electronic money account. Defendant's Online Bill Pay service also uses a transmitter and/or receiver which transmits and/or receives a signal for notifying the account owner of a transaction on the account.

19. Upon information and belief, Defendant has induced and continues to induce infringement of one or more claims of the '003 patent in this district and

elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused its customers to use its Online Banking and Online Bill Pay services, having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers. Defendant has had knowledge of the '003 patent since commencement of this action at least. Upon information and belief, Defendant has specifically intended and/or specifically intends that its customers use the accused products in such a way that infringes the '003 patent by, at minimum, providing instructions to its customers on how to use the accused products in such a way that infringes the '003 patent and knew and/or knows that its actions, including but not limited to providing such instructions, would induce, have induced, and will continue to induce infringement by its customers.

20. Upon information and belief, Defendant has contributed to and continues to contribute to the infringement of one or more claims of the '003 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled and otherwise caused its customers to use its Online Banking and Online Bill Pay services, having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers by offering to sell, and selling

(directly or through intermediaries), to its customers, its Online Banking and Online Bill Pay services covered by the '003 patent that constitute a material part of the invention, and that its customers have utilized said services in a manner that infringes one or more claims of the '003 patent. Defendant has had knowledge of the '003 patent since commencement of this action at least. Upon information and belief, Defendant has specifically intended and/or specifically intends that its customers use the accused products in such a way that infringes the '003 patent by, at minimum, providing instructions to its customers on how to use the accused products in such a way that infringes the '003 patent, and knew and/or knows that its Online Banking and Online Bill Pay services are especially made and/or adapted for user(s) to infringe one or more claims of the '003 patent and, therefore, are not staple articles or commodities of commerce suitable for a substantial non-infringing use.

21. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

22. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

23. Defendant's infringement of Plaintiff's exclusive rights under the '003 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

24. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

Plaintiff Joao Bock Transaction Systems, LLC, respectfully requests the following relief:

- A. An adjudication that the Defendant has directly infringed claims (either literally or under the Doctrine of Equivalents) of the '270 patent, contributed to the infringement of claims of the '270 patent, and/or induced infringement of claims of the '270 patent;
- B. An adjudication that the Defendant has directly infringed claims (either literally or under the Doctrine of Equivalents) of the '003 patent, contributed to the infringement of claims of the '003 patent, and/or induced infringement of claims of the '003 patent;

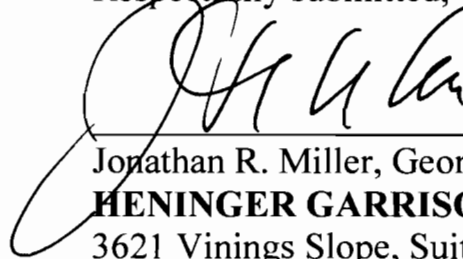
- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with prejudgment interest pursuant to 35 U.S.C. § 284;
- D. An award of Plaintiff's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the exceptional nature of this case and/or due to Defendant's willful infringement, or as otherwise permitted by law with respect to the Defendant;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement; and
- F. Any further relief that this Court deems just and proper.

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Dated: January 15, 2013

Respectfully submitted,



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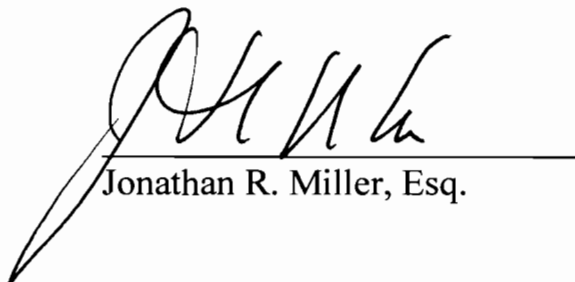
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Joao Bock Transaction Systems, LLC

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1D

I hereby certify that this document is presented in Times New Roman 14.



Jonathan R. Miller, Esq.