

1 Steven W. Ritcheson, Esq. (SBN 174062)
2 **HENINGER GARRISON DAVIS, LLC**
3 9800 D Topanga Canyon Blvd. #347
4 Chatsworth, California 91311
5 Telephone: (818) 882-1030
6 Facsimile: (818) 337-0383
7 Email: switcheson@hgdllawfirm.com

8 Jonathan R. Miller, *pro hac vice*
9 **HENINGER GARRISON DAVIS, LLC**
10 3621 Vinings Slope, Suite 4320
11 Atlanta, Georgia 30339
12 Telephone: (404) 996-0863
13 Facsimile: (205) 547-5506
14 Email: jmiller@hgdllawfirm.com

15 Attorneys for Plaintiff, *Joao Bock Transaction Systems, LLC*

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 JOAO BOCK TRANSACTION SYSTEMS,
20 LLC,

21 Plaintiff,

22 v.

23 CHARLES SCHWAB & CO., INC.,

24 Defendant.

25 Case No. 5:13-cv-00693-LHK

26 **Judge Lucy H. Koh**

27 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

28 Plaintiff JOAO BOCK TRANSACTION SYSTEMS, LLC (“Plaintiff” or “JBTS”), by and through its undersigned counsel, files this First Amended Complaint for patent infringement against Defendant CHARLES SCHWAB & CO., INC. (“Defendant” or “Charles Schwab”) as follows:

BACKGROUND

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2 10. The '270 Patent was duly and legally issued by the United States Patent and
3 Trademark Office on April 4, 2000 after full and fair examination to the inventors Mr. Raymond
4 A. Joao and Mr. Robert R. Bock, who assigned all rights, title and interest in and to the '270 Patent
5 to Plaintiff. Plaintiff is the exclusive owner of the '270 Patent and all rights thereto, including the
6 exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing
7 in this district and elsewhere into the United States the patented invention(s) of the '270 Patent, the
8 right to sublicense the '270 Patent, and to sue the Defendant for infringement and recover past
9 damages.

10 11. The '725 Patent was duly and legally issued by the United States Patent and
11 Trademark Office on March 4, 2003 after full and fair examination to the inventors Mr. Raymond
12 A. Joao and Mr. Robert R. Bock, who assigned all rights, title and interest in and to the '725 Patent
13 to Plaintiff. Plaintiff is the exclusive owner of the '725 Patent and all rights thereto, including the
14 exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing
15 in this district and elsewhere into the United States the patented invention(s) of the '725 Patent, the
16 right to sublicense the '725 Patent, and to sue the Defendant for infringement and recover past
17 damages.

18 12. The '003 Patent was duly and legally issued by the United States Patent and
19 Trademark Office on August 22, 2006 after full and fair examination to the inventors Mr.
20 Raymond A. Joao and Mr. Robert R. Bock, who assigned all rights, title and interest in and to the
21 '003 Patent to Plaintiff. Plaintiff is the exclusive owner of the '003 Patent and all rights thereto,
22 including the exclusive right to exclude the Defendant from making, using, selling, offering to sell
23 or importing in this district and elsewhere into the United States the patented invention(s) of the
24 '003 Patent, the right to sublicense the '003 Patent, and to sue the Defendant for infringement and
25 recover past damages.

26 13. On information and belief, Defendant offers its customers products and services
27 that infringe the Patents-in-Suit, including but not limited to: brokerage services including the
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1 “Schwab One® Brokerage Account,” Schwab Mobile, StreetSmart Edge, StreetSmart.com, and
2 Advisor Center (hereinafter, the “Accused Products and Services”).

3 14. Plaintiff filed its Original Complaint in this matter on August 17, 2012 in the
4 District Court for the Northern District of Georgia (Case No. 1:12-cv-02857). Dkt. No. 1.
5 Defendant was served with the Original Complaint on or about August 29, 2012.

6 15. On January 3, 2013, this matter was transferred to this Court upon the motion of
7 Defendant. Dkt. Nos. 27, 18.

8 16. On July 17, 2013, this Court granted Plaintiff leave to amend its Original
9 Complaint. Dkt. No. 49.

10
11 **COUNT I:**

12 **INFRINGEMENT OF U.S. PATENT NO. 6,047,270**

13 17. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1 – 16 above.

14 18. Plaintiff is informed and believes that Defendant owns, operates, advertises, and
15 controls its website, www.schwab.com, www.StreetSmart.com, and the other computer systems
16 and/or apparatus that are used with or for the Accused Products and Services that infringe the ’270
17 Patent either literally or under the doctrine of equivalents. Upon information and belief,
18 Defendant has infringed and continues to infringe one or more claims of the ’270 Patent by
19 making, using, and providing the Accused Products and Services that use a computer system on a
20 computer network that receives instructions from business customers, wherein the instructions
21 limit or restrict authorized users’ use of a brokerage account. These limitations are stored in the
22 memory of Defendant’s computer system, and accessed by a processor when the processor
23 processes a transaction or attempted transaction on the account by an authorized user. The
24 processor of Defendant’s computer system generates a signal for approving or disapproving the
25 transaction. Defendant’s processor also generates a signal for notifying the account owner of a
26 transaction on the account.

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- D. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- E. Any further relief that this Court deems just and proper.

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Respectfully submitted,
HENINGER GARRISON DAVIS, LLC

Dated: August 1, 2013

s/ Jonathan R. Miller
Steven W. Ritcheson, Esq. (SBN 174062)
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Chatsworth, California 91311
Telephone: (818) 882-1030
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Attorneys for Plaintiff
Joao Bock Transaction Systems, LLC

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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the foregoing using the CM/ECF system.

Dated: August 1, 2013

s/ Jonathan R. Miller
Jonathan R. Miller, Esq.