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

SONIC INDUSTRY, LLC, Plaintiff,	§ § §	
v.	§ §	CIVIL ACTION NO. 2:13-cv-628
TRANS UNION LLC, Defendant.	§ § § §	JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Sonic Industry, LLC ("Plaintiff" or "Sonic"), by and through its undersigned counsel, files this Complaint against Defendant Trans Union LLC ("Defendant" or "Trans Union") as follows:

NATURE OF THE ACTION

1.   This is a patent infringement action recover damages for Defendant's past infringement of Plaintiff's United States Patent No. 5,954,793 entitled "*Remote Limit-Setting Information System*" (the "'793 patent"; a copy of which is attached hereto as Exhibit A). Plaintiff is the exclusive licensee of the '793 patent and retains all rights to pursue Defendant for past infringement of the '793 patent. Plaintiff seeks monetary damages.

PARTIES

2.   Plaintiff Sonic Industry, LLC is a limited liability company organized under the laws of the State of Delaware. Plaintiff maintains its principal place of business at 3422 Old Capital Trail, PMB (STE) 1549, Wilmington, Delaware 19808-6192.

3.   Upon information and belief, Defendant Trans Union LLC is organized and existing under the laws of the State of Delaware with headquarters located at 555 West Adams Street,

Chicago, IL 60661-3631. Defendant is registered to do business in Texas and may be served with process by serving their registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

4.   This action arises under the patent laws of the United States, 35 U.S.C. § *et seq.*, including 35 U.S.C. § 271. 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 is present within or has minimum contacts with the State of Texas and the Eastern District of Texas; Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendant has sought protection and benefit from the laws of the State of Texas; Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

6.   More specifically, Defendant, directly and/or through authorized 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 Texas, and the Eastern District of Texas. Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Defendant has paying customers who are residents of the State of Texas and the Eastern District of Texas and who use the Defendant's products and services in the State of Texas and in the Eastern District of Texas.

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

COUNT I– INFRINGEMENT OF U.S. PATENT 5,954,793

8.   Sonic refers to and incorporates herein the allegations of Paragraphs 1-7 above.

9.   The '793 Patent was duly and legally issued by the United States Patent and Trademark Office on September 21, 1999, after full and fair examination, for systems and methods for setting limits on a remote information system. Plaintiff is the exclusive licensee of the '793 patent and possesses all rights of recovery under the '793 patent, including the right to sue for infringement and recover past damages.

10.   Defendant owns, operates, advertises, controls, sells, and otherwise provides hardware and software that infringes the '793 patent. The '793 patent provides, among other things, a "method for remotely setting limits on an information distribution system including a remote processing device for being connected to a host computer by a communications channel, said method comprising the steps of: entering selection and limit parameters at the remote processing device; verifying the selection and limit parameters at the remote processing device prior to establishing said communications channel; if the selection and limit parameters are verified at the remote processing device, establishing said communications channel and transferring said selection and limit parameters from the remote processing device to the host computer by the communication channel; storing said selection and limit parameters in a memory of the host computer; transmitting inbound information directly from at least one information source, through a communications link, to said host computer, said information source being outside said host computer and said processing device; extracting, only in said host computer, extracted information from said inbound information in response to said selection and

limit parameters, said extracted information including only those portions of inbound information which satisfy said selection and limit parameters; and distributing a non-interactive paging message from the host computer to the remote processing device, said paging message including, of said inbound information transmitted to said host computer, only said extracted information."

11.   Defendant has infringed and continues to infringe one or more claims of the '793 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, systems and methods for using a remote device to set a selection and limit on a server.   More particularly, Defendant sells and/or requires and/or directs users to access and/or use a software system on a remote device to enter and verify selection and limit parameters for credit monitoring prior to transmitting the parameters to a host computer for processing, in a manner claimed in the '793 patent. Defendant infringes the '793 patent by Defendant providing its identity monitoring or credit monitoring software that practices a method for remotely setting limits on an information distribution system.

12.   TransUnion Credit Monitoring and TransUnion Total, ("monitoring account") provides subscribers with ongoing monitoring of their credit files and other information and provides online alerts whenever potentially important changes are made to their Equifax, Experian, and Trans Union credit reports. Examples of such changes include inquiries by potential creditors, new accounts being opened, and address changes on accounts. Such changes can, in some cases, indicate that a third party is attempting to steal a consumer's identity by attempting to open new credit accounts or changing the address on existing accounts. Thus,

many consumers subscribe to TransUnion Credit Monitoring and TransUnion Total as a means of protecting against identity theft.

13.   Defendant infringes '793 patent by providing customers with a variety of tools and systems designed to manage and facilitate interaction with an identity theft monitoring and/or credit monitoring account ("monitoring account" or "monitoring software"), including an alert system which provides users with emails, texts, or other messages when conditions change. The remote processing device corresponds to the Defendant's or other user's desktop computer, laptop, smart phone, tablet, or any other portable device interacting with the monitoring software. The host computer is the Defendant's server feeding customer information to a remote processing device, and the communications channel is the data transfer channel that is created to transmit the data packets containing the selection and limit parameters between the host computer and the remote processing device. Selection and limit parameters refer to certain classifications that the customer may monitor and receive alerts related to the limits within those classifications. Selection parameters correspond to the appropriate account or item that is to be monitored. The limit parameters are the values within an item class that are used to determine whether an alert should be generated. The monitoring software can be accessed through the Defendant's monitoring software present on the host computer, wherein the Defendant or a user can access said software via a remote processing device. Once the Defendant or user accesses said monitoring software, said monitoring software is considered to be present on the remote processing device in at least the Random Access Memory or RAM of the remote processing device. The Defendant or user enters selection and limit parameters for generating an alert. These parameters are verified when the Defendant or user selects or clicks an object or word such as "Save" and/or "Submit", thereby notifying the Defendant or user if the parameters were

either not entered, or not entered in the appropriate format needed for transmission to the host computer.

14.   After selection and limit parameters are established, the Defendant or user's computer, phone, or tablet or other device, the remote processing device, sends this data to Defendant's servers, the host computer, over the data transfer channel i.e. the communication channel, created for the purpose of sending the data packets containing the selection and limit parameters. On information and belief, once the parameter data is transferred from the remote processing device to the host computer, that data is stored in the host computer's memory. The Defendant infringes the '793 patent when the inbound information corresponds to financial or identity data that the host computer aggregates for comparison to the selection and limit parameters of the customer. For the information to go between the inbound information source and the host computer, a communications link is established. These inbound information sources are outside of Defendant's servers, the host computer, and the Defendant's or user's computer, cell phone, tablet i.e. the remote processing device. The host computer, after receiving the parameter data from the remote processing device, compares the selection and limit parameters with the inbound information and extracts the relevant information from the inbound information source and delivers only that information as an alert to the user. This infringement of the '793 patent occurs when, a customer's account goes above or below a certain threshold or certain information has been changed, and an alert is generated to the customer's remote processing device, computer and/or smart phone notifying the customer of the changes.

15.   While the Defendant's server is receiving information about many accounts, when it receives information indicating that a customer's specific account has gone above or below a certain threshold or certain information has been changed, the Defendant's server generates an

alert for delivery to the customer's computer, cell phone or tablet, alerting the customer about the movement of said account corresponding with the selection and limit parameters, but not about the change of other accounts associated with the customer or with another individual that do not correspond with the selection and limit parameters. The host computer, after receiving the parameter data from the remote processing device, extracts the relevant information from the inbound information source and delivers only that information as an alert to the customer.

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

17. 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.

JURY DEMAND

18. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the '793 patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's past acts of infringement together with pre-judgment and post-judgment interest;

C. 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

D. Any further relief that this Court deems just and proper.

Dated: August 13, 2013   Respectfully submitted,

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