

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**LAKSHMI ARUNACHALAM,**

**Plaintiff,**

**v.**

**PAYDAY ONE, LLC; and  
THINK FINANCE, INC.,**

**Defendants.**

**C.A. No. 1:13-cv-01351-RGA**

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Dr. Lakshmi Arunachalam hereby files this complaint for patent infringement against Defendants Payday One, LLC and Think Finance, Inc., and alleges upon information and belief as follows:

**PARTIES**

1. Plaintiff, Dr. Lakshmi Arunachalam, resides at 222 Stanford Avenue, Menlo Park, California 94025. Plaintiff has provided innovative software products, services and solutions that enable distributed transaction processing and control over public and private networks, including, without limitation, the Internet and the World-Wide Web through Pi-Net International, Inc. and other companies that she had founded.

2. The patent asserted here was issued to Dr. Arunachalam based on an application having a priority date of 1995. The patent discloses the fundamental technology underlying Web commerce and other online services over the Web by use of Web applications. The examples of

the pioneering technology in her patent were directed to financial services on the Web as in the Defendants' accused systems.

3. Defendant Payday One, LLC ("Payday One") is a limited liability company organized under the laws of the State of Delaware with The Corporation Services Company, 2711 Centerville Road, Wilmington, Delaware 19808 as its registered agent. Defendant resides in this judicial district and transacts business throughout the State of Delaware, including this judicial district. Furthermore, by forming in the State of Delaware, Defendant has availed itself of Delaware law.

4. Defendant Think Finance, Inc. ("Think Finance") is a limited liability company organized under the laws of the State of Delaware with The Corporation Services Company, 2711 Centerville Road, Wilmington, Delaware 19808 as its registered agent. Acquisition Media resides in this judicial district and transacts business throughout the State of Delaware, including this judicial district. Furthermore, by forming in the State of Delaware, Defendant has availed itself of Delaware law.

5. Payday One and Think Finance are related entities, and the two Defendants are the sole members of a number of a number of other entities, who are under the direction and control of Payday One and Think Finance, including, but not limited to, PDO Financial, LLC, Payday Express Of Oregon, LLC, Payday One Express of Florida, LLC, Payday One Express of Ohio, LLC, Payday One of California, LLC, Payday One of Idaho, LLC, Payday One Of Washington, LLC. and Payday One of Kansas, LLC, all of whom are entities created and existing under the laws of the State of Delaware.

## **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over the Defendants by virtue of their presence and business activities within this judicial district.

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

## **BACKGROUND**

9. On January 1, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,346,894 (“the ’894 Patent”), entitled “Real-Time Web Transactions From Web Applications,” to Plaintiff Dr. Lakshmi Arunachalam. Plaintiff is the owner of all rights, title, and interest in the ’894 Patent, including the right to recover damages for past infringement. A copy of the ’894 Patent is attached to the Complaint as Exhibit A.

10. Defendants provide online services via electronic means accessible through several websites, which include, but are not limited to the sites that can be originated from at least the following websites:

<http://www.paydayone.com>

<http://www.risecredit.com>.

11. These sites can be accessed from stationary personal computers or from mobile devices such as laptop computers, smartphones and tablets. Upon accessing these sites, Defendants’ clients or customers can prepare and submit via the Web an application for a loan utilizing a loan Web application.

12. Defendants provide the above and other services by way of a machine-readable storage device within the scope of claim 3 of the '894 Patent, and particularly a storage device which includes instructions executable by a processor, the machine-readable storage device including one or more instructions for:

accepting a first signal comprising a request from a point-of-service (POSvc) Web application for a real-time Web transaction specific to a Web merchant's value-added network service on the Web, which include the applications for loan web applications invoked on the webpages the websites identified above;

utilizing one or more objects in the Web application and the information entries and the attributes of the one or more objects,

wherein the one or more objects are one or more individual data structures in and specific to the POSvc Web application in said request, wherein the object identity in the Web application is the individual data structure in the POSvc Web application, to connect in real-time to the value-added network service of the Web merchant without executing Common Gateway Interface (CGI) scripts,

executing said connection at the OSI application layer, utilizing application layer routing on the Web; routing the one or more individual data structures in the POSvc Web application together with said information entries and attributes from said Web application over a service network on the Web running on top of a facilities network selected from a group consisting of the physical TCP/IP-based Internet, the Web and email networks, wherein the routing the one or more individual data structures in the POSvc Web application from said Web application over the service network on the Web performed as OSI application layer routing is object routing on

the World Wide Web, distinct from routing at the transport layer of the OSI model or network layer of the OSI model or lower layers of the OSI model;

managing the connection between said real-time Web transaction request and the Web merchant's services from end-to-end in real-time; and

completing a real-time Web transaction from said Web application, wherein the online service is a loan Web application.

**COUNT I**  
(Infringement of the '894 Patent)

13. Plaintiff incorporates and realleges paragraphs 1- 12.

14. Defendants have directly infringed and are continuing to infringe at least claim 3 of the '894 Patent by operating without authority one or more systems which are reflected in the websites cited above. Specifically, Defendants infringed and continue to infringe, because Defendants operated and continue to operate servers or other systems located in and/or accessible from the United States under Defendants' control that, as reflected in the websites, *inter alia*, comprise machine-readable storage device including one or more instructions for performing the steps cited in paragraph 12.

15. Defendants' infringement has injured Plaintiff. Accordingly, Plaintiff is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty, and an injunction to prohibit further infringement of the '894 Patent or future compensation for use of the inventions.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks this Court to enter judgment against Defendants and against Defendants' subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date infringement of the '894 Patent began;
- B. An award to Plaintiff of all remedies available under 35 U.S.C. § 284;
- C. An award to Plaintiff of all remedies available under 35 U.S.C. § 285;
- D. A permanent injunction under 35 U.S.C. § 283 prohibiting further infringement of the '894 Patent, and, in the alternative, in the event injunctive relief is not granted as requested by Plaintiff, an award of a compulsory future royalty; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

DATED: August 19, 2013

/s/ George Pazuniak  
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