

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

JOAO BOCK TRANSACTION SYSTEMS,  
LLC,

Plaintiff,

v.

FIDELITY NATIONAL INFORMATION  
SERVICES, INC.,

Defendant.

Civil Action No. 3:13-CV-0223-J-32-JRK

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Joao Bock Transaction Systems, LLC (hereinafter, “Plaintiff” or “JBTS”), by and through its undersigned counsel, files this First Amended Complaint for Patent Infringement against Defendant Fidelity National Information Services, Inc. (hereinafter, “Defendant” or “FIS”) 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” (hereinafter the “’270 Patent”; a copy of which is attached hereto as **Exhibit A**) and 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 “Patents-in-Suit”). Plaintiff is the owner of the Patents-in-Suit and seeks injunctive relief and monetary damages.

**PARTIES**

2. JBTS is a Limited Liability Company organized under the laws of the State of Delaware and with its principal place of business located at 116 Sweetfield Circle, Yonkers (Westchester County), New York 10704. Plaintiff is the owner of the Patents-in-Suit, and possesses 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, Defendant is a corporation duly organized and existing under the laws of the State of Georgia and has its principal place of business located at 601 Riverside Avenue, Jacksonville (Duval County), Florida 32204. Defendant is, upon information and belief, registered with the Florida Department of State, Division of Corporations, as a Foreign Profit Corporation. Defendant may be served through its registered agent, C T Corporation System, 1200 South Pine Island Road, Plantation, Florida, 33324.

**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 Florida and in the Middle District of Florida; Defendant has purposefully availed itself of the privileges of conducting business in the State

of Florida and in the Middle District of Florida; Defendant has sought protection and benefit from the laws of the State of Florida; Defendant regularly conducts business within the State of Florida and within the Middle District of Florida, and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Florida and in the Middle District of Florida.

6. More specifically, Defendant, directly and/or through its intermediaries, makes, ships, distributes, uses, offers for sale, sells, and/or advertises (including via the provision of an interactive web page) its products and services in the United States, the State of Florida, and the Middle District of Florida, which products and services infringe the Patents-in-Suit. Upon information and belief, Defendant has committed patent infringement in the State of Florida and in the Middle District of Florida. Defendant solicits customers for its products and services in the State of Florida and in the Middle District of Florida. Defendant has many paying customers who are residents of the State of Florida and the Middle District of Florida and who use Defendant's products and services in the State of Florida and in the Middle District of Florida.

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

### **BACKGROUND**

8. The '270 Patent was duly and legally issued by the United States Patent and Trademark Office to Mr. Raymond A. Joao and Mr. Robert R. Bock on April 4, 2000 after full and fair examination. Mr. Joao and Mr. Bock assigned all rights, title and interest in and to the '270 Patent to JBTS, giving JBTS the right to exclude the Defendant from making,

using, selling, offering to sell or importing in this district and elsewhere in the United States the patented invention(s) of the '270 Patent, and the right to license the '270 Patent, collect damages and initiate lawsuits against the Defendant. The '270 Patent is in full force and effect. Plaintiff is the legal owner of the '270 Patent, and possesses all right, title and interest in the '270 Patent including the right to enforce the '270 Patent, and the right to sue Defendant for infringement and recover past damages.

9. The '003 Patent was duly and legally issued by the United States Patent and Trademark Office to Mr. Raymond A. Joao and Mr. Robert R. Bock on August 22, 2006 after full and fair examination. Mr. Joao and Mr. Bock assigned all rights, title and interest in and to the '003 Patent to JBTS, giving JBTS the right to exclude Defendant from making, using, selling, offering to sell or importing in this district and elsewhere in the United States the patented invention(s) of the '003 Patent, and the right to license the '003 Patent, collect damages and initiate lawsuits against the Defendant. The '003 Patent is in full force and effect. Plaintiff is the legal owner of the '003 Patent, and possesses all right, title and interest in the '003 Patent including the right to enforce the '003 Patent, and the right to sue Defendant for infringement and recover past damages.

10. Upon information and belief, Defendant generally indemnifies its customers for claims of patent infringement associated with the customer's use of Defendant's products and services. (See **Exhibit C**: Excerpt of FIS Annual Report, 2013.)

11. Upon information and belief, Defendant has had knowledge of the '270 Patent prior to the filing of this suit through its status as vendor of products and services used by its customers against whom JBTS has filed patent infringement actions enforcing the '270

Patent (*Joao Bock Transaction Systems, LLC v. USAmeribank, et al.*, Case No. 8:11-cv-00887-MSS-TGW, filed April 22, 2011) (the “Florida Litigation”).

12. Upon information and belief, Defendant has had knowledge of the ’270 Patent since shortly after May 16, 2011, the date two of Defendant’s customers sued in the Florida Litigation were served with the Complaint. Upon information and belief, said customers informed Defendant of the lawsuit shortly after being served with the complaint in the Florida Litigation.

13. Upon information and belief, Defendant has known about the ’270 Patent since it was served with a subpoena by JBTS in relation to the above-referenced Florida Litigation on or about January 10, 2013.

14. Upon information and belief, Defendant has had knowledge of the Patents-in-Suit prior to the filing of this suit through its status as vendor of the products and services used by its customers against whom JBTS has filed patent infringement actions enforcing the Patents-in-Suit. In particular, JBTS has filed suit against at least eight of Defendant’s customers in Illinois (*Joao Bock Transaction Systems, LLC v. First National Bank, et al.*, Case No. 1:11-cv-06472 (N.D. Ill.), filed September 15, 2011; hereinafter, the “Illinois Litigation”).

15. Upon information and belief, Defendant has had knowledge of the Patents-in-Suit since shortly after October 5, 6, 7, 10 and 11, 2011, the dates on which Defendant’s customers sued in the Illinois Litigation were served with the Complaint. Upon information and belief, said customers informed Defendant of the lawsuit shortly after being served with the complaint in the Illinois Litigation.

16. Upon information and belief, Defendant has known about the Patents-in-Suit since it was served with a subpoena by JBTS in relation to the Illinois Litigation on July 2, 2012.

17. Upon information and belief, Defendant has known about the Patents-in-Suit since prior to March 1, 2013, when it filed a declaratory judgment action against Plaintiff in the Northern District of Illinois (*Fidelity National Information Services, Inc. v. Joao Bock Transaction Systems, LLC*, Case No. 1:13-cv-01604) asserting that the Patents-in-Suit and three other of JBTS's patents were invalid and not infringed.

18. Upon information and belief, Defendant owns, operates, advertises, implements, and controls its website, www.fisglobal.com, and related FIS-branded websites and customer-branded websites as well as functionality modules and/or programming modules to support its products and services.

19. Upon information and belief, Defendant offers to its customers its products and services that infringe the Patents-in-Suit, including but not limited to: Commercial and Retail eBanking, Business Payment Manager, Mobile Banking, Payback, and Fraud Alert Management (hereinafter, the "Accused Products and Services").

**COUNT I:**  
**INFRINGEMENT OF U.S. PATENT NO. 6,047,270**

20. Plaintiff re-alleges and incorporates by reference each of Paragraph 1-19 above.

21. Plaintiff is informed and believes that Defendant infringes the '270 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant

has infringed and continues to infringe one or more claims of the '270 Patent by making, using, selling, offering for sale, advertising and providing (directly or through intermediaries) an apparatus and method for providing account security as claimed in the '270 Patent. Specifically, Defendant offers products and services such as but not limited to the Accused Products and Services, supported and implemented by way of Defendant's computer systems, functionality modules and interactive websites and web services which use and/or are account security apparatuses and methods. The account security apparatuses and methods have a processing device that processes information regarding transactions on a customer's account(s) (including but not limited to a credit card account, bank account, wireless phone account). Some of the account security apparatuses and methods have a receiver for receiving information and/or signals regarding transactions on, and uses of, the account. Some of the account security apparatuses and methods includes and/or is connected to an input device including a user interface or point of sale terminal where transaction information is entered into, or automatically captured by, the account security apparatus or method. The receiver can receive information from Defendant's customers (i.e., the account holder), customers of its customers, and other computer interfaces of the computer system (i.e., payment processing platform interfaces). The receiver can also receive information from external computer systems connected to Defendant's account security apparatus or method. Some of Defendant's account security apparatuses and methods store information regarding a customer's account preferences and when a customer wants to receive notifications regarding account activity. Some of Defendant's account security apparatuses and methods have a transmitter for transmitting information regarding its business operations

(i.e., account activity, transactions, transaction processing). Defendant's account security apparatuses and methods utilize the processing device for managing the flow of information and for executing programs to process the information. Some of the account security apparatuses and methods have a processing device that is/are capable of determining to "approve" or "disapprove" a transaction, and capable of generating a signal having information about the transaction and/or the account. Some of the account security apparatuses and methods have a processing device that is capable of generating an electronic notification regarding activity on a customer's account. Some of Defendant's account security apparatuses and methods have a transmitter that transmits the signal to the customer notifying the customer of the activity. These activities and processing take place in this district and elsewhere in the United States, enabled by and accessed through Defendant's website, Defendant customer-branded websites, modules, and other Internet-related services.

22. Upon information and belief, Defendant has knowingly and intentionally 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, aided, abetted and otherwise caused its customers to use a system which includes an account security apparatus and/or method, said system having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers. Despite its knowledge of the existence of '270 Patent as early as May of 2011, Defendant, upon information and belief, continues to encourage, instruct, enable and otherwise cause its customers to use its products and services in a manner which infringes the '270 Patent. Upon information and belief, Defendant has



specifically intended that its customers use the Accused Products and Services that infringe the '270 Patent by, at a minimum, providing access to, support for, training and instructions for, said account security apparatus and methods and the Accused Products and Services to its customers to enable said customers to use said apparatus, methods, products and services in such a way that infringes the '270 Patent; and Defendant knew that these actions, would induce, have induced, and will continue to induce infringement by its customers. Even where performance of the steps required to infringe the '270 Patent is divided such that Defendant and Defendant's customers each perform some but not all of the steps necessary to infringe the '270 Patent, Defendant's actions have intentionally caused all of the steps to be performed.

23. 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 a system which includes a transaction security apparatus, said system having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers by importing, offering to sell, and/or selling (directly or through intermediaries), to its customers, the Accused Products and Services and its account security apparatus and method(s) covered by the '270 Patent, which Accused Products and Services constitute a material part of the invention, and further that Defendant's customers have utilized said systems in a manner that infringes one or more claims of the '270 Patent. Defendant has had knowledge of the '270 Patent as early as May of 2011. Upon information and belief,

Defendant has specifically intended and/or specifically intends that its customers use its account security apparatus, methods and the Accused Products and Services in such a way that infringes the '270 Patent by, at minimum, providing access to, support for, and training and instructions for said apparatuses, methods, products, systems and services, that infringe the '270 Patent, and knew and/or knows that its account security apparatus, method(s) and the Accused Products and 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. Even where performance of the steps required to infringe the '270 Patent is divided such that Defendant and Defendant's customers each perform some but not all of the steps necessary to infringe the '270 Patent, Defendant's actions have intentionally caused all of the steps to be performed.

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

25. Despite its knowledge of the '270 Patent, known of as early as May of 2011, and without a reasonable basis for continuing its infringing activities, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '270 Patent.

26. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of 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.

27. Defendant's infringement of Plaintiff's 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**

28. Plaintiff re-alleges and incorporates by reference each of Paragraph 1-19 above.

29. Plaintiff is informed and believes that Defendant infringes the '003 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '003 Patent by making, using, selling, offering for sale, advertising and providing (directly or through intermediaries) a transaction security apparatus as claimed in the '003 Patent. Specifically, Defendant offers products and services such as but not limited to the Accused Products and Services, supported and implemented by way of Defendant's computer systems, functionality modules and interactive websites and web services which use and/or are transaction security apparatuses. The transaction security apparatuses have a processing device that processes information regarding transactions on a customer's account(s) (including but not limited to a credit card account, bank account, wireless phone account). Some of the transaction security apparatuses have a receiver for receiving information regarding transactions on, and uses of, the account. Some of the transaction security apparatuses includes and/or is connected to an input device including a user interface or point of sale terminal where transaction information is entered into, or automatically captured by, the transaction security apparatus. The receiver

can receive information from Defendant's customers, customers of its customers, and other computer interfaces of the computer system (i.e., payment processing platform interfaces). The receiver can also receive information from external computer systems connected to Defendant's transaction security apparatus. Some of Defendant's transaction security apparatuses store information regarding a customer's account preferences and when a customer wants to receive notifications regarding account activity. Some of Defendant's transaction security apparatuses have a transmitter for transmitting information regarding its business operations (i.e., account activity, transactions, transaction processing). Defendant's transaction security apparatuses utilize the processing device for managing the flow of information and for executing programs to process the information. Some of transaction security apparatuses have a processing device that is/are capable of determining to "allow" or "disallow" a transaction, and capable of generating a signal having information about the transaction. Some of the transaction security apparatuses have a processing device that is capable of generating an electronic notification regarding activity on a customer's account. Some of Defendant's transaction security apparatuses have a transmitter that transmits the signal to the customer notifying the customer of the activity. These activities and processing take place in this district and elsewhere in the United States, enabled by and accessed through Defendant's primary website, Defendant's customer-branded websites, modules, and other Internet-related services.

30. Upon information and belief, Defendant has knowingly and intentionally 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, aided, abetted and otherwise caused its customers to use a system which includes a transaction security apparatus, said system having been provided by Defendant to its customers for the primary purpose of causing infringing acts by said customers. Despite its knowledge of the existence of '003 Patent as early as October of 2011 (and perhaps as early as May of 2011), Defendant, upon information and belief, continues to encourage, instruct, enable and otherwise cause its customers to use its products and services in a manner which infringes the '003 Patent. Upon information and belief, Defendant has specifically intended that its customers use the Accused Products and Services that infringe the '003 Patent by, at a minimum, providing access to, support for, training and instructions for, said transaction security apparatus and the Accused Products and Services to its customers to enable said customers to use said apparatus, products and services in such a way that infringes the '003 Patent; and Defendant knew that these actions, would induce, have induced, and will continue to induce infringement by its customers. Even where performance of the steps required to infringe the '003 Patent is divided such that Defendant and Defendant's customers each perform some but not all of the steps necessary to infringe the '003 Patent, Defendant's actions have intentionally caused all of the steps to be performed.

31. 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 a system which includes a transaction security apparatus, said system having been provided by

Defendant to its customers for the primary purpose of causing infringing acts by said customers by importing, offering to sell, and/or selling (directly or through intermediaries), to its customers, the Accused Products and Services and its transaction security apparatus covered by the '003 Patent, which Accused Products and Services constitute a material part of the invention, and further that Defendant's customers have utilized said systems in a manner that infringes one or more claims of the '003 Patent. Defendant has had knowledge of the '003 Patent as early as October of 2011 (and perhaps as early as May of 2011). Upon information and belief, Defendant has specifically intended and/or specifically intends that its customers use the its transaction security apparatus and the Accused Products and Services in such a way that infringes the '003 Patent by, at minimum, providing access to, support for, and training and instructions for said apparatus, products, systems and services, that infringe the '003 Patent, and knew and/or knows that its transaction security apparatus and the Accused Products and 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. Even where performance of the steps required to infringe the '003 Patent is divided such that Defendant and Defendant's customers each perform some but not all of the steps necessary to infringe the '003 Patent, Defendant's actions have intentionally caused all of the steps to be performed.

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

33. Despite its knowledge of the '003 Patent, known of as early as October of 2011 (and perhaps as early as May of 2011), and without a reasonable basis for continuing its

infringing activities, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '003 Patent.

34. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of 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.

35. Defendant's infringement of Plaintiff's 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**

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

#### **PRAYER FOR RELIEF**

Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit has been infringed, either literally and/or under the doctrine of equivalents, by the Defendant and that such infringement is willful;
- B. An adjudication that Defendant has induced infringement of one or more claims of the Patents-in-Suit by Defendant's customers;
- C. An adjudication that Defendant has contributed to infringement of one or more claims of the Patents-in-Suit by Defendant's customers;

- D. An award of damages to be paid by Defendant adequate to compensate Plaintiff for its past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- E. That, should Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of its actions, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284.
- F. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement with respect to the claims of the Patents-in-Suit;
- G. 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,
- H. Any further relief that this Court deems just and proper.

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Respectfully submitted this 12th day of November, 2013

*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 document with the Clerk of Court using the CM/ECF system which will send a notice of filing to all counsel of record for this action.

Date: November 12, 2013

s/ Maureen V. Abbey  
Maureen V. Abbey, *Pro Hac Vice*