

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

PI-NET INTERNATIONAL, INC.,

Plaintiff,

v.

WELLS FARGO BANK, N.A.

Defendant.

C.A. No. 1:13-cv-01812-RGA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Pi-Net International, Inc. hereby files this complaint for patent infringement against Wells Fargo & Company, and alleges upon information and belief as follows:

PARTIES

1. Plaintiff Pi-Net International, Inc. ("Pi-Net") is a California corporation with its principal place of business at 222 Stanford Avenue, Menlo Park, California 94025. Pi-Net has been a provider of 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.

2. The patents asserted here was issued to Dr. Lakshmi Arunachalam, Pi-Net's founder. Having a priority date of 1995, the patents disclose the fundamental technology underlying Web commerce by use of Web applications. The examples of the pioneering technology in her patent were directed to online banking and other financial services on the Web which are the same as in the Defendant's accused systems.

3. Defendant Wells Fargo Bank, N.A. ("Wells Fargo") is a national banking association organized and existing under federal law with a nominal principal place of business at 101 N. Phillips Avenue, Sioux Falls, South Dakota 57104. Wells Fargo is a wholly-owned (directly or indirectly) subsidiary of Wells Fargo & Company, which is a holding company organized under the laws of the State of Delaware. Wells Fargo resides in this judicial district and transacts business throughout the State of Delaware, including this judicial district.

JURISDICTION AND VENUE

4. 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).

5. This Court has personal jurisdiction over the Defendant by virtue of its presence and business activities within this judicial district. Wells Fargo has transacted business and committed acts of infringement within the State of Delaware and within this District, and is subject to the personal jurisdiction of this Court. The Court has personal jurisdiction over Wells Fargo, because it has purposefully availed itself of the privileges of conducting business in the State of Delaware and has sought the protection and benefits of the laws of the State; and regularly conducts business within the State of Delaware; and Plaintiff's cause of action arise directly from Defendant's business contacts and other activities in the State of Delaware.

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

BACKGROUND

7. On November 16, 1999, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,987,500 ("the '500 Patent"), entitled "Value-Added Network

System For Enabling Real-Time, By-Directional Transactions On A Network,” to Dr. Lakshmi Arunachalam. Pi-Net is the assignee of all rights, title, and interest in the ’500 Patent, including the right to recover damages for past infringement. A copy of the ’500 Patent is attached to the Complaint as Exhibit A.

8. On January 31, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,108,492 (“’492 Patent”), entitled “Web Application Network Portal,” to Dr. Lakshmi Arunachalam. Pi-Net is the assignee of all rights, title, and interest in the ’492 Patent, including the right to recover damages for past infringement. A copy of the ’492 Patent is attached to the Complaint as Exhibit B.

9. Patent 5,987,500 is currently the subject of review before The Patent Trial And Appeal Board of the United States Patent And Trademark Office, in a case styled *SAP America, Inc., Petitioner v. Pi-Net International, Inc., Patent Owner*, IPR2013-00195, where a Decision to Institute of Inter Partes Review pursuant to 37 C.F.R. § 42.108 has been issued. Patent 8,108,492 is currently the subject of review before The Patent Trial And Appeal Board of the United States Patent And Trademark Office, in a case styled *SAP America, Inc., Petitioner v. Pi-Net International, Inc., Patent Owner*, Case IPR2013-00194, where a Decision to Institute of Inter Partes Review pursuant to 37 C.F.R. § 42.108 has been issued.

10. Wells Fargo provides online services via electronic means accessible through several websites, which include, but are not limited to the sites that can be originated from, *inter alia*, <https://www.wellsfargo.com>. The services believed to be infringing are provided under the names

- a. Wells Fargo Online®,
- b. Wells Fargo Business Online®,

- c. Commercial Electronic Office (CEO®) Portal,
- d. CEO Mobile®,
- e. WellsTrade® Online, and
- f. Wells Fargo Advisors online services.

Hereafter, the word "Service" refers to all services provided by online service portals, including those listed above. These sites and Services can be accessed from stationary personal computers or from mobile devices such as laptop computers, smartphones and tablets. Upon accessing these sites, Defendant's clients or customers can, for example, view and service accounts; make transfers; pay and manage bills online (including managing eBills, using Wells Fargo Bill Pay ("Bill Pay") which allows users to schedule bill payments through the Service, and using Wells Fargo Same Day Payments Service ("SDP Service"); initiate and monitor Wire Transfer service; convert paper checks by way of Desktop Deposit® Service; and make and manage investments through, for example, through the "Brokerage" service, including trading securities. Through Wells Fargo Mobile Banking website and mobile apps, the customers or clients can access their accounts, transfer funds, pay bills, place and track brokerage trades, and locate ATMs via mobile devices.

COUNT I

(Infringement of the '500 Patent)

- 11. Pi-Net incorporates and realleges paragraphs 1- 10.
- 12. Wells Fargo has directly infringed and is continuing to infringe one or more claims of the '500 Patent by operating without authority one or more online and mobile banking systems providing Services which utilize POSvc Applications on a Web Page, where such POSvc Applications incorporate an object with attributes and information entries, wherein the

resulting networked object identity is routed to the Defendant Bank's services, and wherein the online and mobile banking systems provide a means for switching to a plurality of banking transactional applications in response to a user specification from one of several network applications on one of the website's webpages, with the transactional applications providing a plurality of transactional interactive real time services managed by Wells Fargo to the user, while Wells Fargo keeps the transaction flow captive, and including a means for transmitting a transaction request from the transactional application; and means for processing the transaction request, and (ii) utilized and is utilizing computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs the foregoing.

13. Defendant's online practices of the patented inventions are reflected in the website <https://www.wellsfargo.com>. Defendant's servers providing the claimed methods and reflecting the claimed apparatus are located in the United States under Wells Fargo's control.

14. Defendant's 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 '500 Patent or future compensation for use of the inventions.

COUNT II

(Infringement of the '492 Patent)

15. Pi-Net incorporates and realleges paragraphs 1- 10.

16. Wells Fargo has directly infringed and is continuing to infringe one or more claims of the '492 Patent by operating without authority one or more online and mobile banking systems providing Services which utilize POSvc Applications on a Web Page, where such POSvc Applications incorporate an object with attributes and information entries, wherein the

resulting networked object identity is routed to the Defendant Bank's services, and wherein the online and mobile banking systems provide a Web server, including a processor and a memory, for offering one or more Web applications as respective POSvc Applications in a point-of-service application list on a Web page; each POSvc Application of the one or more POSvc Applications for requesting a real-time Web transaction; a value-added network (VAN) switch running on top of a facilities network selected from a group consisting of the World Wide Web, the Internet and an e-mail network, the VAN switch for enabling the real-time Web transactions from the one or more Web applications; a service network running on top of the facilities network for connecting through the Web server to a back-end transactional application; and a computer system executing the Back-end transactional application for processing the transaction request in real-time, and (ii) utilized and is utilizing computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs the foregoing.

17. Defendant's online practices of the patented inventions are reflected in the website <https://www.wellsfargo.com>. Defendant's servers providing the claimed methods and reflecting the claimed apparatus are located in the United States under Wells Fargo's control.

18. Defendant's 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 '492 Patent or future compensation for use of the inventions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court to enter judgment against Wells Fargo and against Wells Fargo's 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 Patents in suit 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: March 18, 2014

/s/ George Pazuniak
George Pazuniak, Esq. (Del. Bar No. 478)
O'KELLY ERNST & BIELLI, LLC
901 N. Market St.
Suite 1000
Wilmington, DE 19801
Telephone: 302-478-4230
E-mail: GP@del-iplaw.com

*Attorney for Plaintiff
Pi-Net International, Inc.*