

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOAO BOCK TRANSACTION	§	
SYSTEMS, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. _____
	§	
v.	§	
	§	
USAMERIBANK, FIRST COMMUNITY	§	
BANK OF AMERICA, EVERBANK,	§	
MERCANTILE COMMERCE BANK,	§	
N.A., CNL BANK, FLORIDA CAPITAL	§	
BANK NA, BANKFIRST, FIRST	§	JURY TRIAL DEMANDED
SOUTHERN BANK, GULFSTREAM	§	
BUSINESS BANK, INTERNATIONAL	§	
FINANCE BANK, REGENT BANK AND	§	
GRAND BANK & TRUST OF FLORIDA	§	
	§	
Defendants.	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Joao Bock Transaction Systems, LLC, (“Plaintiff”), by and through its undersigned counsel, files this Original Complaint for patent infringement against USAmeribank, First Community Bank of America, EverBank, Mercantil Commercebank N.A., CNL Bank, Florida Capital Bank NA, BankFIRST, First Southern Bank, Gulfstream Business Bank, International Finance Bank, Regent Bank and Grand Bank & Trust of Florida (collectively “Defendants”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop each Defendant’s infringement of Plaintiff’s United States Patent No. 6,047,270 entitled “Apparatus and Method for Providing Account Security” (the “270 patent”; a copy of which is attached hereto as Exhibit A). Plaintiff

is the legal owner of all of the rights under the '270 patent to bring this infringement action against the Defendants. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a Limited Liability Company organized under the laws of the State of Delaware and is located at 122 Bellevue Place, Yonkers, New York 10703. Plaintiff is the legal owner of the '270 patent, which includes the right to exclude the Defendants from making, using, selling, offering to sell or importing in this district and elsewhere into the United States the patented invention(s) of the '270 patent and the right to sublicense the '270 patent, collect damages and sue for infringement and recover past damages from the Defendants.

3. Upon information and belief, Defendant USAmeribank ("USAmeribank") is a subsidiary of USAmeriBancorp, Inc. and is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at PO Box 17540, Clearwater, Florida 33762.

4. Upon information and belief, Defendant First Community Bank of America ("First Community") is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 9001 Belcher Road, Pinellas Park, Florida 33782.

5. Upon information and belief, Defendant EverBank ("EverBank") is a subsidiary of EverBank Financial Corporation and is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at EverBank Plaza, 501 Riverside Avenue, Jacksonville, Florida 32202.

6. Upon information and belief, Defendant Mercantile Commercebank N.A. ("Mercantile") is a national banking association organized and existing under the laws of the State of Florida with its principal place of business located at 220 Alhambra Circle, Coral Gables, Florida 33134.

7. Upon information and belief, Defendant CNL Bank ("CNL"), is a subsidiary of

CNL Bancshares, Inc. and is a financial institution organized and existing under the laws of the State of Florida, with its principal place of business located at 450 South Orange Avenue, Suite 400, Orlando, Florida 32801.

8. Upon information and belief, Defendant Florida Capital Bank NA (“Florida Capital”) is a national banking association organized under the laws of the State of Florida with its principal place of business located at 10151 Deerwood Park Boulevard, Building 300, Suite 110, Jacksonville, Florida 32256.

9. Upon information and belief, Defendant BankFIRST (“BankFIRST”) is a state-chartered financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 1031 W. Morse Boulevard, Winter Park, Florida 32789.

10. Upon information and belief, Defendant First Southern Bank (“First Southern”) is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 900 North Federal Highway, Boca Raton, Florida 33432.

11. Upon information and belief, Defendant Gulfstream Business Bank (“Gulfstream”) is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 2400 SE Monterey Road, Suite 100, Stuart, Florida 34996-3321.

12. Upon information and belief, Defendant International Finance Bank (“International Finance”) is a state-chartered financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 801 Brickell Avenue, Miami, Florida 33131.

13. Upon information and belief, Defendant Regent Bank (“Regent”) is a subsidiary of Regent Bancorp, Inc. and is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 2205 South University Drive, Davie, Florida 33324.

14. Upon information and belief, Defendant Grand Bank & Trust of Florida (“Grand Bank”) is a subsidiary of Grand Bankshares, Inc. and is a financial institution organized and existing under the laws of the State of Florida with its principal place of business located at 2055 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33409.

JURISDICTION AND VENUE

15. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281-285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

16. Upon information and belief, Defendants have transacted business and committed acts of infringement within the State of Florida, and more importantly, within this District, and are subject to the personal jurisdiction of this Court. The Court has personal jurisdiction over each Defendant because, upon information and belief: each Defendant has minimum contacts within the State of Florida and the Middle District of Florida; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Florida and in the Middle District of Florida; each Defendant has sought the protection and benefits of the laws of the State of Florida; each 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 Defendants’ business contacts and other activities in the State of Florida and in the Middle District of Florida.

17. Upon information and belief, Defendants have made, used, offered for sale, imported, sold, or advertised, and continue to make, use, offer to sell, import, sell, or advertise (including providing an interactive web page) in this district and elsewhere in the United States its products and services that infringe one or more claims of the ’270 patent. More specifically, each Defendant, directly and/or through intermediaries, makes, uses, sells, ships, distributes, offers for sale, or advertises its products and services in the United States, the State of Florida, and the Middle District of Florida. Upon information and belief, each Defendant has committed patent infringement directly in the State of Florida and in the Middle District of Florida. Upon

information and belief, each Defendant solicits customers in the State of Florida and in the Middle District of Florida. Upon information and belief, each Defendant has many paying customers who are residents of the State of Florida and in the Middle District of Florida, and who each use respective Defendant's products and services in the State of Florida and in the Middle District of Florida.

18. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

19. On April 4, 2000, the United States Patent and Trademark Office duly and legally issued the '270 patent to the inventors Raymond Anthony Joao ("Mr. Joao") and Robert Richard Bock ("Mr. Bock"). Mr. Joao and Mr. Bock assigned all rights, title and interest in and to the '270 patent to Joao Bock Transaction Systems, LLC giving Joao Bock Transaction Systems, LLC the right to exclude the Defendants 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 sublicense the '270 patent, collect damages and initiate lawsuits against the Defendants. The '270 patent is in full force and effect. Plaintiff is the legal owner of the '270 patent and possesses all rights of recovery under the '270 patent for this litigation.

20. Upon information and belief, the Defendants have infringed and continue to infringe one or more claims of the '270 patent by making, using, importing, providing, offering to sell, advertising and/or selling (directly or through intermediaries), in this District and elsewhere in the United States, infringing products and services. Specifically, upon information and belief, each Defendant uses a computer system on a computer network that receives instructions from business customers, wherein the instructions limit or restrict authorized users' use of a business banking account. These limitations are stored in the memory of each Defendant's computer system, and accessed by a processor when the processor processes a transaction or attempted transaction on the account by an authorized user. The processor of each Defendant's computer system generates a signal for approving or disapproving the transaction.

21. Upon information and belief, Defendant USAmeribank infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Business Online Banking and Cash Management services offered to USAmeribank customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). USAmeribank uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

22. Upon information and belief, Defendant First Community infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the eCorp Online Banking services offered to First Community customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). First Community uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

23. Upon information and belief, Defendant EverBank infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Online Business Banking services offered to EverBank customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). EverBank uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

24. Upon information and belief, Defendant Mercantil infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Business Online Banking services offered to

Mercantil customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). Mercantil uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

25. Upon information and belief, Defendant CNL infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Business Online Banking services offered to CNL customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). CNL uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

26. Upon information and belief, Defendant Florida Capital infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the eCorp Online Banking services offered to Florida Capital customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). Florida Capital uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

27. Upon information and belief, Defendant BankFirst infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Business Online Banking and Cash Management services offered to BankFirst customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). BankFirst uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

28. Upon information and belief, Defendant First Southern infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Bizbank Online Banking services offered to First Southern customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). First Southern uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

29. Upon information and belief, Defendant Gulfstream infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the eBiz Corporate Online Banking services offered to Gulfstream customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). Gulfstream uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

30. Upon information and belief, Defendant International Finance infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Commercial Online Banking services offered to International Finance customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). International Finance uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

31. Upon information and belief, Defendant Regent infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account

management services. By way of example, the Online Business Banking services offered to Regent customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). Regent uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

32. Upon information and belief, Defendant Grand Bank infringes one or more claims of the '270 patent with its activities conducted with respect to its online banking and account management services. By way of example, the Online Banking and Cash Management services offered to Grand Bank customers include services to establish individuals as authorized users on the account with limits and controls on an individual's use of the account(s). Grand Bank uses a computer system with a server to receive this information (limits and controls), a memory to store the information, and a processor to process the information with respect to incoming transactions.

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

34. Plaintiff is entitled to recover from each of the Defendants the damages sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

35. Each 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.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff Joao Bock Transaction Systems, LLC, respectfully requests the following relief:

- A. An adjudication that each of the Defendants have infringed and continue to infringe claims of the '270 patent;
- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with prejudgment interest pursuant to 35 U.S.C. § 284;
- C. An award of Plaintiff's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law with respect to the Defendants;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of infringement; and
- E. Any further relief that this Court deems just and proper.

Dated: April 21, 2011

Respectfully submitted,

/s/ Timothy C. Davis

Timothy C. Davis

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