UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

WILLIAM GRECIA,

     Plaintiff,

       v.

TARGET CORPORATION,

     Defendant.

Case No. 1:16-cv-_____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGMENT

William Grecia brings this patent-infringement action against Target Corporation ("Target").

Parties

1.   William Grecia is an individual. He maintains a residence in Downingtown, Pennsylvania.

2.   Target is a Minnesota corporation, having its principal place of business in Minneapolis, Minnesota.

Jurisdiction and Venue

3.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

4.   This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5.   This Court may exercise personal jurisdiction over Target. Target conducts continuous and systematic business in Illinois and in this District. This patent-infringement case arises directly from Target's continuous and systematic activity in this District. In short, this

Court's exercise of jurisdiction over Target would be consistent with traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(b).

Infringement of U.S. Patent No. 8,533,860

7.   William Grecia hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-6 above.

8.   William Grecia is the exclusive owner of the '860 patent, which is attached as "Exhibit 1."

9.   The '860 patent is valid and enforceable.

10.   Target is infringing at least one of the 30 methods, systems, and apparatuses claimed in the '860 patent by its use of EMV Token reading Point-of-Sale computer products (hereinafter, a "EMV-PoS").

11.   For example, and for illustration of at least one of the 30 claims of the '860 patent that Grecia alleges that Target infringes, Target directly infringes claim 21 of the '860 patent as follows:

      a.   Claim 21 is "A computer product comprising a memory, a CPU, a communications console and a non-transitory computer usable medium, the computer usable medium having an operating system stored therein, the computer product further comprising a customization module, the computer product authorizing access to digital content, wherein the digital content is at least one of an application, a video, or a video game, wherein the digital content is at least one of encrypted or not encrypted, the computer product configured to perform the steps of . . . ." (Ex. A, 17:52-61.) Target uses an EMV-PoS that authorizes access to users' digital financial content to complete

purchases using a verification token (e.g., EMV Token) that is used as a substitute to the user's real card PAN (Primary Account Number) in EMV-PoS transaction requests. A Target EMV-PoS comprises a customization module that adds the capability to accept EMV Tokenized devices (e.g., Samsung Pay, EMV Chip cards). The digital financial content is the EMV card network payment application. (Claim chart attached hereto as "Exhibit 2.")

       b.   Claim 21's computer is configured for "receiving the digital content access request from the communications console, the access request being a read or write request of metadata of the digital content, the metadata of the digital content being one or more of a database or storage in connection to the computer product, the request comprising a verification token corresponding to the digital content, the verification token is handled by the user as a redeemable instrument, wherein the verification token comprises at least one of a purchase permission, a rental permission, or a membership permission, wherein the at least one of purchase permission, rental permission, or membership permission being represented by one or more of a tag, a letter, a number, a combination of letters and numbers, a successful payment, a rights token, a phrase, a name, a membership credential, an image, a logo, a service name, an authorization, a list, an interface button, a downloadable program, or the redeemable instrument . . . ." (Ex. A, col 17:62-18:13.) A Target EMV-PoS receives an access request to the user's digital financial content that is processed as a "read" request of the connected EMV card network Token Vault database (metadata) required to determine an access permission. The verification token (e.g., EMV Token) is handled by the user as a redeemable instrument (e.g., EMV Tokenized Mobile Device or Chip Card). The EMV Token

(verification token) comprises a "purchase permission." The EMV Token is represented by: (i) Numbers – resembling a PAN; (ii) Rights Token – a right to purchase in place of a PAN; (iii) Service Name – Visa, MasterCard, Discover, American Express; (iv) Authorization – the EMV Token is authorized in the EMV Token Vault. (*See* Ex. B at 2.)

c.   Claim 21's computer authenticates the verification token. (Ex. A, col. 18:14.) The EMV-PoS authenticates the EMV Token (e.g., verification token) is using the Luhn Formula for Computing Modulus 10 Check Digit. (*See* Ex. B at 2-3.)

d.   The computer of Claim 21 is built for "establishing a connection with the communications console, wherein the communications console is a combination of a graphic user interface (GUI) and an Applications Programmable Interface (API) wherein the API is related to a verified web service, the web service capable of facilitating a two way data exchange to complete a verification process wherein the data exchange session comprises at least one identification reference . . . ." (Ex. A, col 18:15-22.) The Target EMV-PoS establishes a connection with the EMV Token Service Provider using an API related to the EMV Token Service Provider. (*See* Ex. B at 3.)

e.   Claim 21 performs the steps of requesting and receiving: requesting the at least one identification reference from the at least one communications console, wherein the identification reference comprises one or more of a verified web service account identifier, letter, number, rights token, e-mail, password, access time, serial number, address, manufacturer identification, checksum, operating system version, browser version, credential, cookie, or key, or ID; receiving the at least one identification reference from the communications console . . . ." (Ex. A, col. 18:23-32.) The Target EMV-PoS requests and receives an identification reference from the EMV Token Service

comprising letters and numbers (e.g., Visa exchanges the PAN for its token and sends the token and "approved" or "declined" message response with the token back to the merchant. (*See* Ex. B at 4.)

      f.   Claim 21 involves a computer configured for "writing at least one of the verification token or the identification reference into the said metadata." (Ex. A, col. 18:33-34.) The Target EMV-PoS writes the verification token to its connected storage for receipt printing and reference for refunds. (*See* Ex. B at 5-6.)

Prayer for Relief

WHEREFORE, William Grecia prays for the following relief against Target:

(a)   Judgment that Target has directly infringed claims of the '860 patent;

(b)   A reasonable royalty;

(c)   Pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and

(d)   Such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

William Grecia demands a trial by jury on all matters and issues so triable.

Date: <u>November 1, 2016</u>   Respectfully Submitted,

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