

New York, NY 10001. On information and belief, Defendant Macys.com, LLC is a California limited liability company with an address of 680 Folsom St., San Francisco, CA 94107. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

5. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) because acts of infringement are occurring in this District and because Defendant has a regular and established place of business in this District. For example, on information and belief, Defendant has a place of business located at 6209 West Park Blvd., Plano, TX 75093. On information and belief, Defendant has other regular and established places of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,534,551)**

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '551 Patent with sole rights to enforce the '551 Patent and sue infringers.

10. A copy of the '551 Patent, titled "System and Method for Issuing Digital Receipts for Purchase Transactions Over a Network," is attached hereto as Exhibit A.

11. The '551 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claims 1, 2, 11, 12, 16, and 17 of the '551 patent by using payment systems that issue digital receipts to customers upon completion of a payment transaction in a manner covered by one or more claims of the '551 Patent. Specifically, Defendant uses point of sale ("POS") terminals, which issue digital receipts ("System"). Defendant has infringed and continues to infringe the '551 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

13. Regarding Claim 1, the System performs a method of issuing digital receipts over an electronic network and receives, by at least one server in communication with the network, a registration request to receive digital receipts in association with a first credit card account. For example, the System includes a server in communication with a network (e.g., Defendant's server). The server receives a registration request to receive digital receipts in associated with a first credit card account (e.g., at the time a customer signs up for a Macy's card in store, or otherwise establishes a credit card account with Macy's, they can elect to receive digital receipts by signing up for eReceipts. This registration takes place in the store at a point-of-sale terminal connected to a server). Certain aspects of this element are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.



Thanks for shopping at Aventura. The eReceipt you requested is below.

FOR THE HOME BED & BATH WOMEN MEN JUNIORS KIDS BEAUTY SHOES **HANDBAGS & ACCESSORIES** **JEWELRY & WATCHES** SALE

stores deals & promotions gift cards wedding registry

Macy's
Aventura
19535 Biscayne Blvd
Aventura, FL 33180
305-682-3300



R7322769041236377124

769-0412-3637
10569496 0412 6:10 PM 11/18/2017

PURCHASE

YM AMERCN RAG **25.00**
636189199206 476/61

I signed up for eReceipts but I haven't received them. What can I do?

We're sorry you haven't received your eReceipts. Call Customer Service at 1.866.593.2543 and we will verify the current email address and send you any eReceipts that you are missing.

How long does it take for funds to become available when I make a return with an eReceipt?

Your funds will be available immediately for returns made in-store. Full credit for mail-in returns are processed once the merchandise is received at the fulfillment center.

I made multiple purchases but only received one eReceipt. Why?

Your email provider may only show one (1) receipt so you may have to 'unhide' or 'show all' links provided in your email to view all receipts.

Can I turn off electronic receipts and receive paper receipts again?

Yes you can! Please sign in to your profile and click on 'my preferences' you can then choose to receive:

- Email receipts only
- Paper receipts only
- Email and paper receipts



Please note: you must have signed up for eReceipts in a Macy's store to be eligible for eReceipts.

Do I have to enroll to receive eReceipts?

Yes you do. You must enroll in store and request to receive 'email receipts' upon checkout .

How can I change the address my eReceipts are delivered to?

It's simple! Call Customer Service at 1.866.593.2543 and our agents will be happy to assist you.

I'm getting someone else's eReceipt. How can I stop this?

We're sorry for the inconvenience this may have caused. To correct this issue, please call us at 1.866.593.2543. Please have the eReceipt available as we will need the following information:

- 10-digit number
- Customer's Name

https://www.customerservice-macys.com/app/answers/detail/a_id/616/kw/digital%20receipt

14. The System stores, by the at least one server, at least one first customer record in a database, the at least one first customer record associating the first credit card account with a destination associated with a first customer. (e.g., a customer's information is stored in a database in a customer record which is associated with the Macy's credit card account as well as the customer's email address). Certain aspects of this element are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

How do I add my Macy's Credit Card to my existing macys.com account?

To add your Macy's Credit Card or Macy's American Express® Card to your macys.com profile, you will need to know your account number, your name exactly as it appears on your card or statement, the security code on your card and the last four digits of your social security number.

- Select "My Account" and log-in with your email address and password
- Under the "my Macy's Credit Card" section" click the black "Add My Card" button
- Complete the form and select "Add Card" at the bottom
- Complete your profile by setting up your security questions. Then click "Next"

Already have one Macy's Credit Card added to your macys.com account? [Click here to learn more about adding a second card!](#)

I signed up for eReceipts but I haven't received them. What can I do?

We're sorry you haven't received your eReceipts. Call Customer Service at ☎1.866.593.2543 and we will verify the current email address and send you any eReceipts that you are missing.

How long does it take for funds to become available when I make a return with an eReceipt?

Your funds will be available immediately for returns made in-store. Full credit for mail-in returns are processed once the merchandise is received at the fulfillment center.

I made multiple purchases but only received one eReceipt. Why?

Your email provider may only show one (1) receipt so you may have to 'unhide' or 'show all' links provided in your email to view all receipts.

Can I turn off electronic receipts and receive paper receipts again?

Yes you can! Please sign in to your profile and click on 'my preferences' you can then choose to receive:

- Email receipts only
- Paper receipts only
- Email and paper receipts



Please note: you must have signed up for eReceipts in a Macy's store to be eligible for eReceipts.

Do I have to enroll to receive eReceipts?

Yes you do. You must enroll in store and request to receive 'email receipts' upon checkout .

How can I change the address my eReceipts are delivered to?

It's simple! Call Customer Service at ☎1.866.593.2543 and our agents will be happy to assist you.

I'm getting someone else's eReceipt. How can I stop this?

We're sorry for the inconvenience this may have caused. To correct this issue, please call us at ☎1.866.593.2543. Please have the eReceipt available as we will need the following information:

- 10-digit number
- Customer's Name

https://www.customerservice-macys.com/app/answers/detail/a_id/616/kw/digital%20receipt

15. The System receives at the at least one server from a point-of-sale terminal, information identifying the first credit card account and information about a transaction. (e.g., at the time of purchase, the customer swipes their Macy’s card in a credit card reader at the Point-of-Sale system, which transmits, to the server, the credit card information identifying the credit card account along with purchase information such as items purchased).

16. The System retrieves, by the at least one server, the at least one first customer record from the database based on the information identifying the first credit card account. (e.g., the customer’s Macy’s credit card account is retrieved based on the credit card information provided by the credit card reader). Certain aspects of this element are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

What we do	
How does DSNB protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.
How does DSNB collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> • provide account information or contact information • provide employment information or apply for a loan • use your credit or debit card We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.
Why can't I limit all sharing?	Federal law gives you the right to limit only <ul style="list-style-type: none"> • sharing for affiliates' everyday business purposes—information about your creditworthiness • affiliates from using your information to market to you • sharing for nonaffiliates to market to you State laws and individual companies may give you additional rights to limit sharing. See below for more on your rights under state law.
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your account.

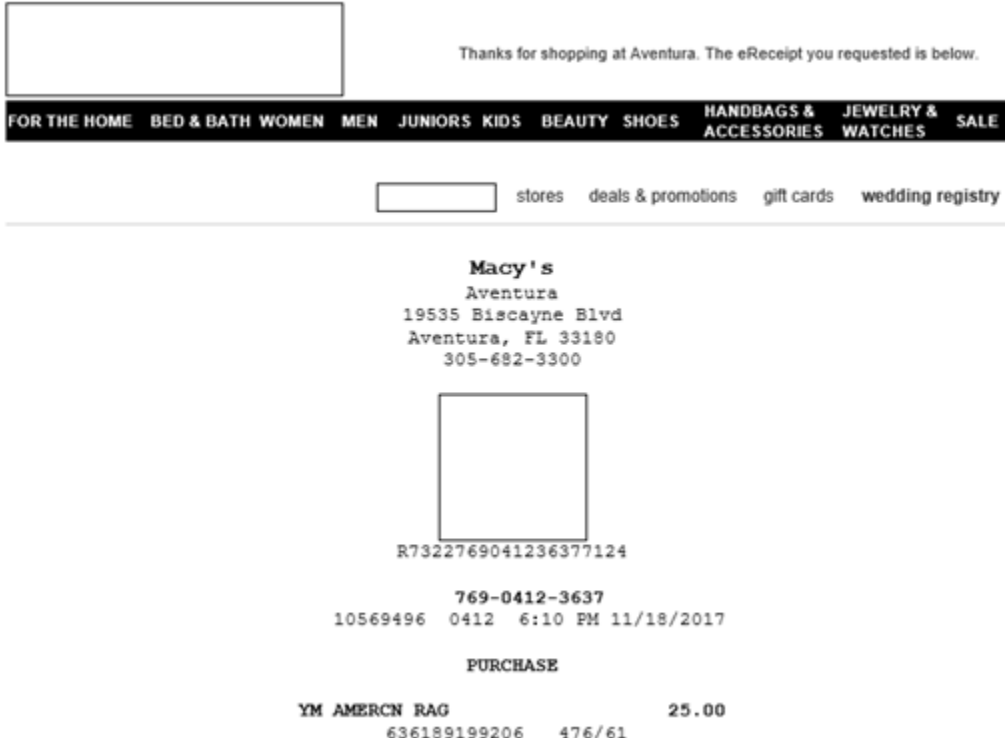
www.customerservice-macy's.com



https://www.macys.com/account/signin?cm_sp=navigation-_top_nav_-_signin#

17. The System initiates a charge of an amount of the transaction to the first credit card account (e.g., the System, through the POS, charges the transaction amount to the customer's Macy's credit card).

18. The System automatically transmits a digital receipt for the transaction to the destination associated with the first customer without input from the first customer (e.g., when a customer who has opted to receive eReceipts completes a transaction, a digital receipt is automatically emailed to them). Certain aspects of this element are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.



19. Regarding Claim 2, the System provides at least one solicitation with the digital receipt. (e.g., the e-receipt includes a solicitation for holiday gifts or other solicitations that a system operator sets up from time to time). Certain aspects of this element are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

Questions about Plenti? Visit
www.Plenti.com or the Plenti mobile
app.

THANK YOU FOR SHOPPING AT MACY'S!

Platinum Member of Star Rewards

Need help finding a gift?
Shop the Holiday Gift Guide today!
macys.com/gifts

\$10 off a purchase of \$50 or more,
PUREBEAUTY Salon through 11/30/2017
Excludes Gift Cards and other offers
Discount Code: 6722

Shop the Holiday Gift Guide today!
macys.com/gifts

Love to save? Create or update your
macys.com profile with your Macy's
card to find more online & in-store
offers! www.macys.com/wallet

CUSTOMER COPY

20. Regarding Claim 11, the System includes a terminal for issuing a digital receipt for a purchase transaction. For example, the System includes a POS machine where a customer can swipe a credit card. The credit card information and the transaction information are transmitted to a server and, provide the customer has registered for eReceipts, a digital receipt is emailed to the customer. The System includes a communication mechanism configured to receive, from a point of sale terminal via a network, information identifying a first credit card account of a customer and information about a transaction. For example the

Macy's server receives credit card information, such as the credit card number, from a point-of-sale terminal over a network which identifies the credit card account and purchase information. The System includes at least one database configured to store at least a first credit card account record and at least one associated customer record, the at least one customer record including an indication of a destination for digital receipts, wherein the destination is associated with the customer (e.g., the System includes a database which stores credit card information associated with a customer record, including the customer's email address for receiving e-receipts). The System includes one or more computing devices configured to verify the first credit card account for an amount of the transaction, to retrieve a first customer record from the at least one database based on the information identifying the first credit card account, and to determine the destination associated with the customer (e.g., the System includes one or more computers which verify the transaction amount and card balance, retrieve the customer's information, and determine the email destination associated with the customer). The System is configured to automatically transmit a digital receipt for the transaction to the destination associated with the customer without input from the customer (e.g., when a customer who has opted to receive eReceipts completes a transaction, a digital receipt is automatically emailed to them). The elements of this claim are illustrated in the screen shots provided in connection with other allegations herein. The functionality described herein corresponds to the allegations above in connection with Claim 1.

21. Regarding Claim 12, the System includes one or more computing devices, which are configured to select at least one solicitation based on the information about the transaction and to transmit the at least one solicitation to the destination associated with the customer. For example, the System provides at least one solicitation with the digital receipt

(e.g., the e-receipt includes a solicitation for holiday gifts or other solicitations set up by a System operator). The elements of this claim are illustrated in the screen shots provided in connection with other allegations herein. The functionality described herein corresponds to the allegations above in connection with Claims 1 and 2.

22. Regarding Claim 16, the System includes a computer readable medium having instructions embodied thereon for issuing a purchase transaction receipt over a network. The System includes instructions to receive, by at least one server in communication with the network, a registration request to receive digital receipts in association with a first credit card account. (e.g., at the time the customer signs up for a Macy's card in store, they can elect to receive digital receipts, or eReceipts. This registration takes place at a point-of-sale terminal connected to a server). The System includes instructions to store, by the at least one server, at least one first customer record in a database, the at least one first customer record associating the first credit card account with a destination associated with a first customer (e.g., the customer's information is stored in a database in a customer record which is associated with the Macy's credit card account as well as the customer's email address). The System includes instructions to receive, at the at least one server from a point-of-sale terminal, information identifying the first credit card account and information about a transaction (e.g., at the time of purchase the customer swipes their Macy's card in a credit card reader at the Point-of-Sale system, which transmits the credit card information identifying the credit card account along with purchase information such as items purchased). The System includes instructions to retrieve, by the at least one server, the at least one first customer record from the database based on the information identifying the first credit card account (e.g., the customer's Macy's Credit Card account is retrieved based on the credit card information provided by the credit

card reader). The System includes instructions to initiate a charge of an amount of the transaction to the first credit card account (e.g., the System charges the transaction amount to the customer's Macy's credit card). The System includes instructions to automatically transmit a digital receipt for the transaction to the destination associated with the first customer without input from the first customer (e.g., when a customer who has opted to receive eReceipts completes a transaction, a digital receipt is automatically emailed to them). The elements of this claim are illustrated in the screen shots provided in connection with other allegations herein. The functionality described herein corresponds to the allegations above in connection with Claims 1 and 11.

23. Regarding Claim 17, the System includes instructions to provide at least one solicitation with the digital receipt (e.g., the e-receipt includes a solicitation for holiday gifts or other solicitations input by a System operator from time to time). The elements of this claim are illustrated in the screen shots provided in connection with other allegations herein. The functionality described herein corresponds to the allegations above in connection with Claims 1, 2, 11, 12, and 16.

24. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

25. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

26. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,534,551 (or, in the alternative, awarding Plaintiff running royalties from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: March 21, 2018

Respectfully submitted,

/s/Jay Johnson

JAY JOHNSON

State Bar No. 24067322

BRAD KIZZIA

State Bar No. 11547550

KIZZIA & JOHNSON PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

bkizzia@kjpllc.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A