**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Flectere LLC,	Case No. _____
Plaintiff,	Patent Case
v.	Jury Trial Demanded
Target Corporation,	
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Flectere LLC ("Flectere"), through its attorney, complains of Target Corporation ("Target"), and alleges the following:

PARTIES

1.   Plaintiff Flectere LLC is a corporation organized and existing under the laws of Texas and maintains its principal place of business at 1400 Preston Road, Suite 400, Suite 300, Plano, TX 75093.

2.   Defendant Target Corporation is a corporation organized and existing under the laws of Minnesota that maintains its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403.

JURISDICTION

3.   This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

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

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5.   This Court has personal jurisdiction over Target because it has engaged in systematic and continuous business activities in the Eastern District of Texas. Specifically, Target provides its full range of services to residents in this District. As described below, Target has committed acts of patent infringement giving rise to this action within this District.

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VENUE

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6.   Venue is proper in this District under 28 U.S.C. § 1400(b) because Target has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Target has retail stores in this location, including a store located at 120 W. Parker Rd., Plano, TX 75075. In addition, Flectere has suffered harm in this district.

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PATENT-IN-SUIT

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7.   Flectere is the assignee of all right, title and interest in United States Patent Nos. 6,272,506 (the "'506 Patent" or the "Patent-in-Suit") including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Flectere possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Target.

<u>The '506 Patent</u>

8.   On August 7, 2001, the United States Patent and Trademark Office issued the '506 Patent. The '506 Patent is titled "Computerized Verification Form Processing System and Method." The application leading to the '506 Patent was filed on September 12, 1997. A true and correct copy of the '506 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9.   The '506 Patent is valid and enforceable.

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10.   The inventors recognized that there was a need for improving computerized form processing systems that complied with current manufacturing procedures. Ex. A, 2:46-48.

11.   The invention in the '506 Patent provides an improved computerized form processing system and method. Ex. A, 2:15-18.

12.   To this end, the inventors recognized the importance of automatically keeping track of changes and complying with government regulations. Ex. A, 4:48-52. ("Thus, system 20, FIG. 2 provides an improved computerized form processing System and method which automatically keeps track of all changes made to data entries in a computerized form and therefore complies with FDA requirements concerning data changes.").

<div align="center">COUNT I: INFRINGEMENT OF THE '506 PATENT</div>

13.   Flectere incorporates the above paragraphs herein by reference.

14.   **Direct Infringement.** Target has been and continues to directly infringe at least Claim 11 of the '506 Patent in this District and elsewhere in the United States by providing a system, for example, Target's payment processing portal, that is a computerized form processing system allowing users to fill in their contact information. *See* Figure 1, available at: https://www.target.com/co-delivery.
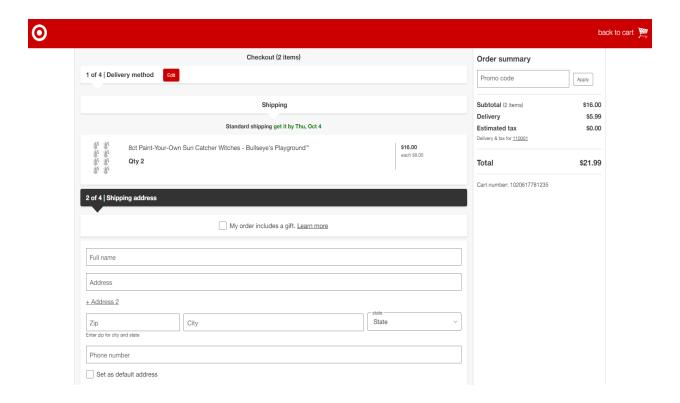
Figure 1. Target's payment processing portal allows users to fill in their contact information.

15.   Target's payment processing portal has Claim element 11(a): "a database for storing at least one form including one or more fields." For example, Target's payment processing portal internally stores data entered into the form. *See* Figure 2, available at: https://www.target.com/co-delivery.

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Figure 2. Target's payment processing portal internally stores data entered into the form.

16.   Target's payment processing portal has Claim element 11(b): "a viewer for viewing a stored form." For example, Target's payment processing portal allows users to see the data they enter into the form. *See* Figure 2.

17.   Target's payment processing portal has Claim element 11(c): "a data entry device for allowing a user to enter information into the fields of the form." For example, Target's payment processing portal allows users to enter in data, such as street address, into the form. *See* Figure 3, available at: https://www.target.com/co-delivery.

Figure 3. Target's payment processing portal allows users to enter in data, such as street address, into the form.

18.   Target's payment processing portal has Claim element 11(d): "a monitoring routine configured to actively monitor whether previously entered information in a field of the form is being changed by the user." For example, Target's payment processing portal monitors whether previously entered information is being changed by users. *See* Figure 4, available at: https://www.target.com/co-delivery.

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  ▼<div>
    ▼<div class="InputWrapper-sc-1ihh4sm-0 fmNpmr">
      ▶<label for="zipCode">…</label>
        <input id="zipCode" type="text" name="zipCode" maxlength="5" autocomplete="on" data-test="zipCode-text"
        value placeholder> == $0
        <div class="longInstruction LongInstruction-szz50q-0 fIUwKL" id="zipCode--longInstruction" aria-hidden=
        "true"></div>
      </div>
      <span class="h-text-orangeDark h-text-sm">Enter zip code</span>
    </div>
    <div class="h-text-sm">Enter zip for city and state</div>
  </div>
</div>
▼<div class="ShippingAddressForm__ColForCityInput-sc-1rygtnr-0 dFxHIA Col-lvtw7q-0 duOhiD">
  ▼<div class="h-margin-b-default">
    ▼<div>
      ▼<div class="InputWrapper-sc-1ihh4sm-0 ltzFV">
        ▼<label for="city">
            "City"
            <span class="h-sr-only"> Enter city</span>
          </label>
          <input id="city" type="text" name="city" maxlength="25" autocomplete="on" data-test="city-text" placeholder
          value>
        </div>
      </div>
    </div>
  </div>
  ▶<div class="Col-lvtw7q-0 fFtYRz">…</div>
</div>
▶<div class="h-margin-b-default">…</div>
▶<div class="h-margin-b-default">…</div>
</div>
▶<div class="h-display-flex h-margin-t-default">…</div>
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Figure 4. Target's payment processing portal monitors whether previously entered information is being changed by users.

19.   Target's payment processing portal has Claim element 11(e): "a field

modification verification routine configured to, on the viewer, prompt the user to sign off on any

such change." For example, Target's payment processing portal will ask users whether they want

to use a verified shipping address instead of the address they manually entered and is configured

to then prompt the user to sign off on a change to the address information. *See* Figure 5, available

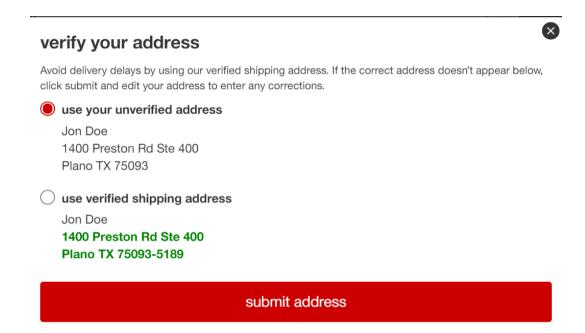at: https://www.target.com/co-delivery.

Figure 5. Target's payment processing portal will ask users whether they want to use a verified shipping address instead of the address they manually entered.

20.   **Induced Infringement.** Target has also actively induced, and continues to induce, the infringement of at least Claim 11 of the '506 Patent by actively inducing its customers, including merchants and end-users to use Target's website in an infringing manner as described above. Upon information and belief, Target has specifically intended that its customers use its website that infringe at least Claim 11 of the '506 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least Claim 11 of the '506 Patent, as described above. Even where performance of the steps required to infringe at least Claim 11 of the '506 Patent is accomplished by Target and Target's customer jointly, Target's actions have solely caused all of the steps to be performed.

21.   Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

22.   Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

23.   Under Rule 38(b) of the Federal Rules of Civil Procedure, Flectere respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Flectere asks this Court to enter judgment against Target, granting the following relief:

A.   A declaration that Target has infringed the Patent-in-Suit;

B.   An award of damages to compensate Flectere for Target's direct infringement of the Patents-in-Suit;

C.   An order that Target and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;

D.   An award of damages, including trebling of all damages, sufficient to remedy Target's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;

E.   A declaration that this case is exceptional, and an award to Flectere of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

F.   An award of prejudgment and post-judgment interest; and

G.   Such other relief as this Court or jury may deem proper and just.

Dated: January 18, 2019   Respectfully submitted,

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