UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM GRECIA,

      Plaintiff,

          v.

CELLCO PARTNERSHIP d/b/a Verizon
Wireless, Inc.,

      Defendant.

--x

Case No. 1:18-cv-10429 (JGK)

AMENDED COMPLAINT

JURY TRIAL DEMANDED

      William Grecia brings this patent-infringement action against Cellco Partnership doing business as Verizon Wireless, Inc. (hereinafter, "Verizon").

Parties

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

      2.   Verizon is a Delaware corporation, having a principal place of business in New York, New York.

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 Verizon. Verizon conducts

continuous and systematic business in New York and in this District. Verizon maintains corporate offices in this District. This patent-infringement case arises directly from Verizon's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Verizon 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)(1) and 1400(b).

Claim Construction

7.   On September 8, 2018, the Court (Sullivan, J.) entered an order construing claim terms set forth in the patent-in-suit. *Grecia v. Mastercard Int'l Inc.*, Case No. 15-cv-9059 (RJS) (S.D.N.Y. Sept. 8, 2018) (Doc. 89). "Cloud digital content" means "data capable of being processed by a computer." (*Id.* at 11.) "Verified web service" means "a web service that is used to authenticate the identity of a user or device." (*Id.* at 12.) "Verification token" means "data that represents permission to access digital media or cloud digital content." (*Id.* at 15.)

Infringement of U.S. Patent No. 8,887,308 (the "'308 patent")

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

9.   William Grecia is the exclusive owner of the '308 patent, which is attached hereto as "Exhibit."

10.   The '308 patent is valid and enforceable.

11.   Claim 1 covers, "A process for transforming a user access request for cloud digital content into a computer readable authorization object, the process for transforming comprising . . . ." (Ex. ('308 patent), col. 14:31-33.) Verizon sells "Galaxy" telephone products that contain a central processing unit ("CPU") and a Samsung Pay application program code

stored therein. The telephone's CPU and program code transform a user's access request for cloud digital content into a computer readable authorization object. For example, when an individual sets up Samsung Pay on his Galaxy phone, he takes a picture of his Walgreens gift card. The user's Galaxy phone's CPU and program code transform his request to access his gift account into an authorization object.

12.   The Claim 1 process is six steps, designated as (a), (b), (c), (d), (e), and (f).

13.   The first step starts, "a) receiving an access request for cloud digital content through an apparatus in process with at least one CPU, the access request being a write request to a data store . . . ." (Ex. ('308 patent), col. 14:34-36.) When the user sets up his Samsung Pay account, he takes a picture of his Walgreens gift card. The serial number on the card is called the "Primary Account Number" or "PAN." The picture of the gift card is received by the user's telephone as a write request to a storage unit on the phone.

14.   The first step continues, "the access request further comprises verification data provided by at least one user, wherein the verification data is recognized by the apparatus as a verification token . . . ." (Ex. ('308 patent), col. 14:42-44.) The user's phone recognizes the PAN of the gift card as a verification token. The Court defines a verification token as "data that represents permission to access digital media or cloud digital content." (Doc. 89 (Claim Construction Order) at 15.) The PAN is data that represents permission for the user to access cloud digital content—the user's Walgreens gift card account. The Court defines cloud digital content as "data capable of being processed by a computer." (*Id.*)

15.   The second step is "b) authenticating the verification token of (a) using a database recognized by the apparatus of (a) as a verification token database . . . ." (Ex. ('308

patent), col. 14:45-47.) The user's Galaxy telephone that Verizon sells has a CPU, storage, and program code that, among other things, authenticate or verify the Walgreens gift card's PAN. The Galaxy phone that Verizon sells performs this authentication using the gift card issuer's database. The Galaxy phone recognizes this database as a collection of permissions to access gift card accounts—i.e., a verification token database. In this example, the Galaxy phone that Verizon sells authenticates the user's Walgreens gift card, the phone using its CPU, storage, and program code to authenticate or verify with the Walgreens gift card issuer database that this user's PAN is entitled to acceptance.

16.   Claim 1 provides next "c) establishing an API communication between the apparatus of (a) and a database apparatus, the database apparatus being a different database from the verification token database of (b) wherein the API is related to a verified web service, wherein the verified web service is a part of the database apparatus, wherein establishing the API communication requires a credential assigned to the apparatus of (a), wherein the apparatus assigned credential is recognized as a permission to conduct a data exchange session between the apparatus of (a) and the database apparatus to complete the verification process . . . ." (Ex. ('308), col. 14:48-58.)

17.   The Galaxy telephone that Verizon sells includes program code, storage, and a CPU that establishes a connection with a Samsung Token Requestor—part of the "database apparatus." The Samsung Token Requestor is a "verified web service," which the Court has defined as "a web service that is used to authenticate the identity of a user or device." (Doc. 89 (Claim Construction Order) at 12.) The Samsung Token Requestor authenticates both the Galaxy phone and the Walgreens gift card that the user is redeeming with the Galaxy telephone. That

telephone is able to establish a connection with the Samsung Token Requestor because the phone has been assigned an API key or credential. This API key represents a permission for the Galaxy phone to request and receive data from the Samsung Token Requestor.

18.   Step (c) of Claim 1 of the '308 patent continues, "wherein the data exchange session is also capable of an exchange of query data, wherein the query data comprises at least one verified web service account identifier . . . ." (Ex. ('308), col. 14:59-62.) The Galaxy phone that Verizon sold to this user attempting to access his Walgreens gift card account establishes an API communication with the Samsung Token Requestor, which is a data exchange session capable of an exchange of query data. The API communication will facilitate the user's Galaxy phone requesting and receiving a token that will represent the user's authorized access to his digital cloud content—the Walgreens gift card.

19.   Steps (e) and (f) of this process are "requesting the query data, from the apparatus of (a), from the API communication data exchange session of (c), wherein the query data request is a request for the at least one verified web service identifier . . . receiving the query data requested in (d) from the API communication data exchange session of (c) . . . ." (Ex. ('308), cols. 14:63-15:2.) From the Galaxy phone's Samsung Pay program code in operation with the phone's CPU and storage, the phone requests a token from the Samsung Token Requestor. The token requested is a "verified web service account identifier," as the token will be associated with the Walgreens gift card PAN and authorize the Galaxy phone's user's authorized access to his Walgreens gift card account. After the user's phone requests the token from the Samsung Token Requester, the phone receives the token from the Samsung Token Requestor.

20.   Claim 1 concludes, "f) creating a computer readable authorization object by

writing into the data store of (a) at least one of: the received verification data of (a); and the received query data of (e); wherein the created computer readable authorization object is recognized by the apparatus of (a) as user access rights associated to the cloud digital content, wherein the computer readable authorization object is processed by the apparatus of (a) using a cross-referencing action during subsequent user access requests to determine one or more of a user access permission for the cloud digital content." (Ex. ('308), col. 15:3-14.)

21.   The Galaxy phone writes the token received from the Samsung Token Requestor to the phone's storage. This token written to the Galaxy phone's storage is a computer readable authorization object recognized by the phone's Samsung Pay program code as the user's access rights to his Walgreens gift card account. Further, when the user makes purchases with his Walgreens gift card, the user's Samsung Pay program code performs a cross-referencing action to determine this user's authorized access to the Walgreens gift card account (i.e., cloud digital content).

Prayer for Relief

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

(a)   Judgment that Verizon has directly infringed claim 1 of the '308 patent;

(b)   A reasonable royalty;

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

(d)   Post-judgment injunction; and

(e)   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>March 1, 2019</u>   Respectfully Submitted,

                                                       /s/ Matthew M. Wawrzyn
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                                                       Counsel for William Grecia

Certificate of Service

I, Matt Wawrzyn, an attorney certify that the foregoing Amended Complaint was

served on Counsel of Record for Verizon through the Court's ECF system.

                                                       s/Matt Wawrzyn