UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

LUPERCAL LLC, Plaintiff v. **JPMORGAN CHASE BANK, N.A.,** Defendant	**Case No. 6:20-cv-00148** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lupercal LLC ("Lupercal" or "Plaintiff") files this Complaint for patent infringement against Defendant JPMorgan Chase Bank, N.A. ("Chase" or "Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq*.

PARTIES

2. Lupercal is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in Dallas, Texas.

3. Upon information and belief, Defendant, JPMorgan Chase Bank, N.A., is a Texas company having a principal place of business in this judicial district at 221 W. Sixth St., Austin, Texas 78701.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendants have committed acts of infringement and have regular and established places of business in this judicial district.

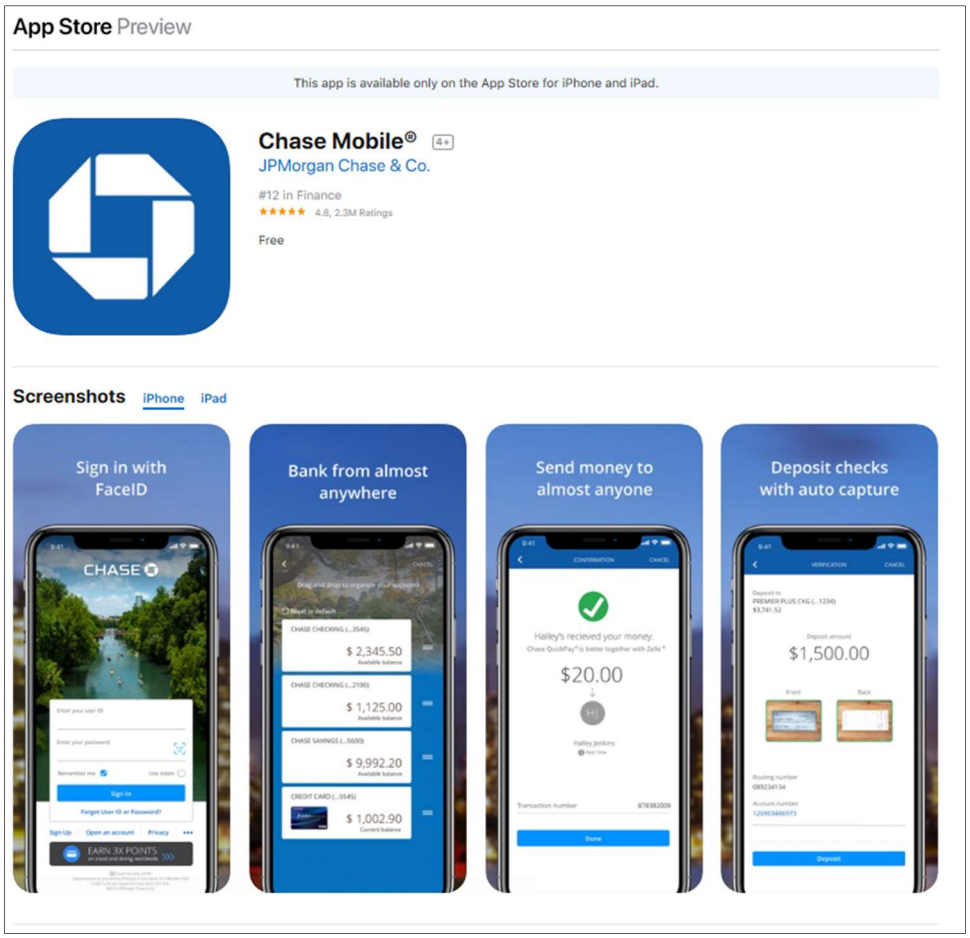
COUNT I
(Infringement of U.S. Patent No. 9,386,094)

7. Lupercal incorporates paragraphs 1 through 6 as though fully set forth herein.

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,386,094 (the "'094 Patent"), entitled SYSTEM AND METHOD FOR MEDIA SUBMISSION, which issued on July 5, 2016. A copy of the '094 Patent is attached as Exhibit A.

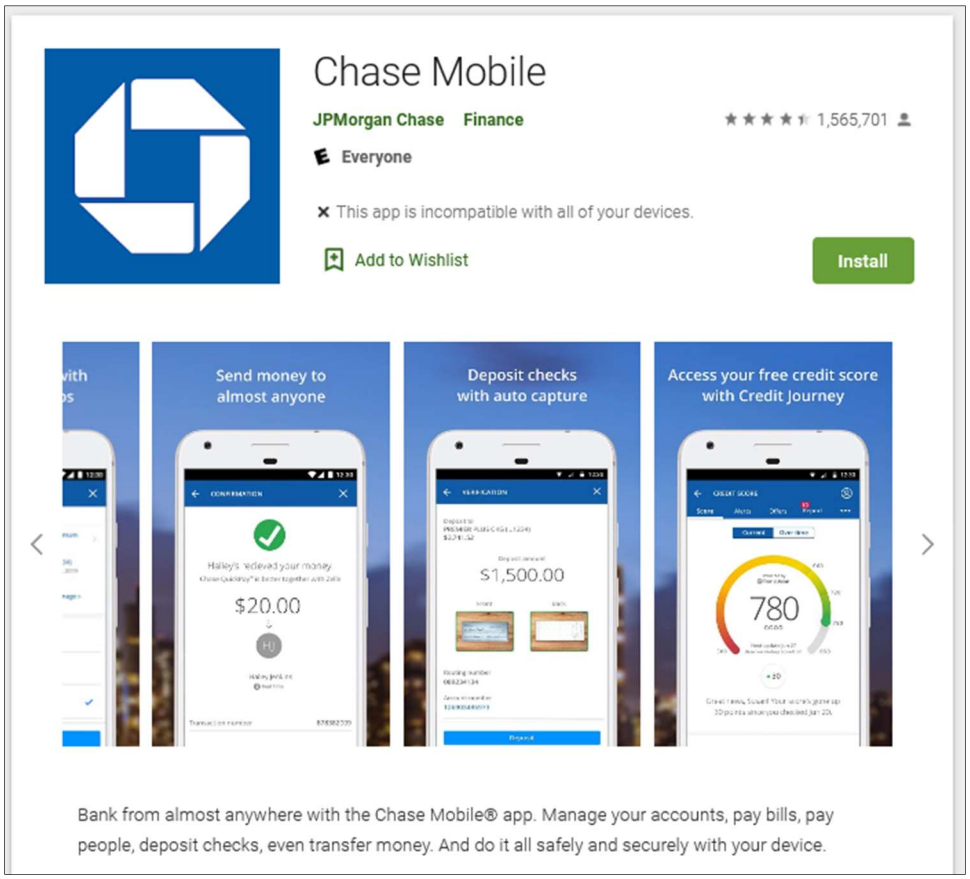
9. The '094 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

10. Defendant provides the Chase Mobile Banking App for use with Apple iOS devices and Android devices, which is available for download from Apple's iTunes App Store and Google Play Apps:



Bank from almost anywhere with the Chase Mobile® app. Manage your accounts, pay bills, pay people, deposit checks, even transfer money. And do it all safely and securely with your device.
Manage Your Accounts
[+] View your account balance at Sign in using Account Preview.
[+] Monitor your checking, savings, credit card or J.P. Morgan investment activities.
[+] Set up travel notifications for your debit and credit cards.
[+] Set up Account Alerts and adjust your preferences.
[+] Use Chase QuickDeposit® to deposit a check just by taking a photo.
[+] Check and get updates on your credit score.
[+] Access your personal Chase Home Lending dashboard for ways to make the most of homeownership.

https://apps.apple.com/us/app/chase-mobile/id298867247



Bank from almost anywhere with the Chase Mobile® app. Manage your accounts, pay bills, pay people, deposit checks, even transfer money. And do it all safely and securely with your device.

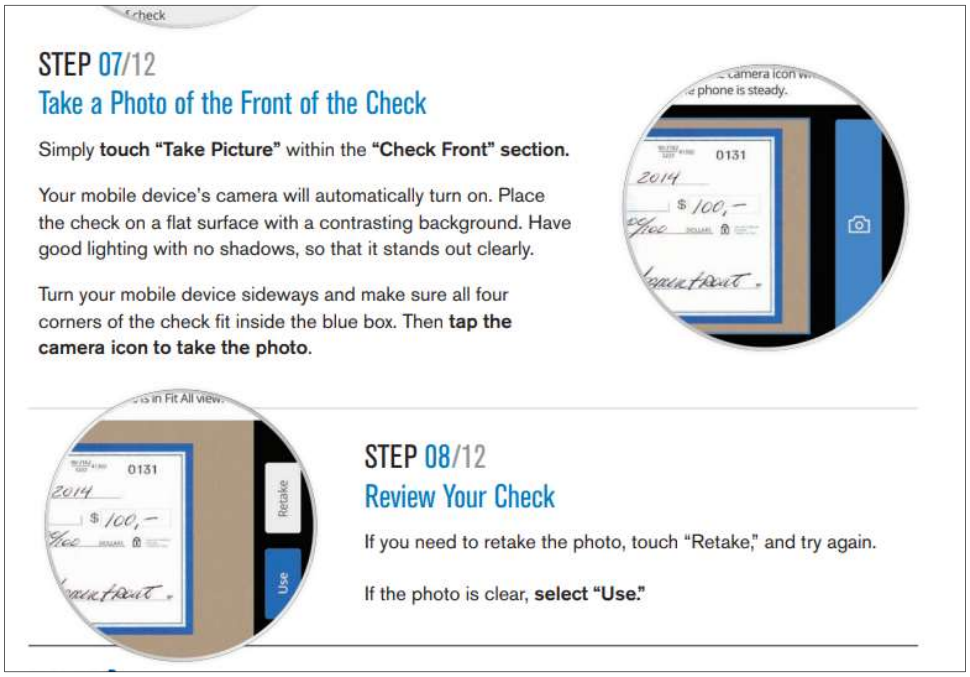
Manage Your Accounts

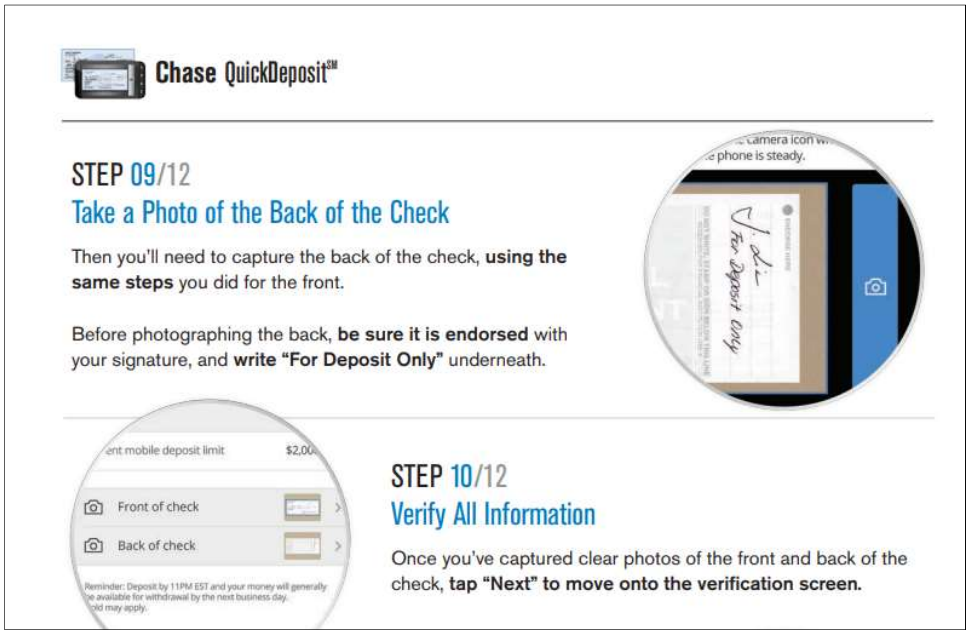
[+] View your account balance at Sign in using Account Preview.
[+] Monitor your checking, savings, credit card or J.P. Morgan investment activities.
[+] Set up travel notifications for your debit and credit cards.
[+] Set up Account Alerts and adjust your preferences.
[+] Use Chase QuickDeposit® to deposit a check just by taking a photo.
[+] Check and get updates on your credit score.
[+] Access your personal Chase Home Lending dashboard for ways to make the most of homeownership.

https://play.google.com/store/apps/details?id=com.chase.sig.android&hl=en_US

11. The Chase Mobile App enables account holders to deposit checks electronically by taking a photo of the front and back of the check. After selecting an account to deposit the check to, the user enters the amount of the check.

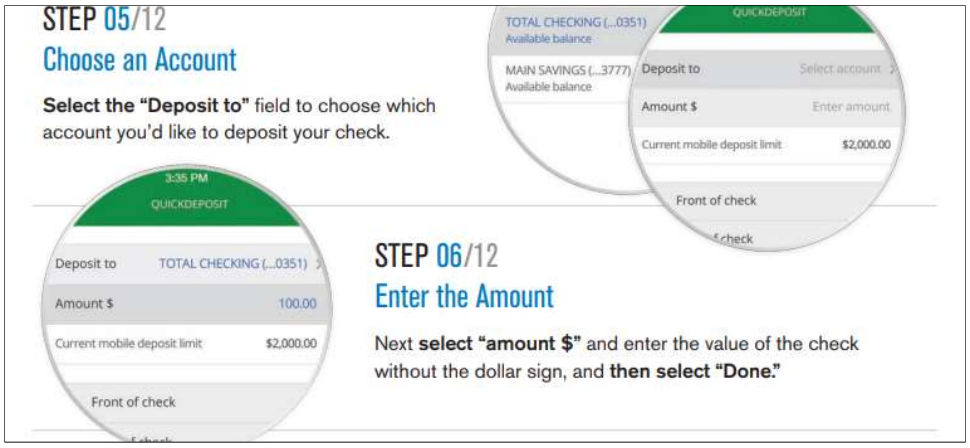
12. The photo of the front and back is manually taken by the user – as a result, the images produced may be blurry or otherwise undesirable, and the application enables the user to retake a given photo (front or back). A visual representation of the photos is displayed on the screen.





https://www.chase.com/content/dam/chasecom/en/personalbanking/documents/Guide_QuickDeposit.pdf

13. After selecting an account to deposit the check to, the user enters the amount of the check.



14. Upon being accepted by the user (via the Chase Mobile App), the application pre-processes the frontand back images to produce and front and back pre-processed images that is controlled by one or more preprocessing parameters received from a device (e.g., a server used to download the Chase Mobile App) separate from the user device (user's smart phone) in a conversion of the one or more images or the one or more replacement images as specified for use by a receiving party.

Chase Partners With Mitek to Expand QuickPay Mobile Deposit Capture

Agreement could expand Chase's remote deposit capture feature on multiple smartphone platforms.

New York-based JPMorgan Chase Bank announced an agreement with Mitek Systems to develop a collection of image capture solutions to be deployed over multiple smartphone operating systems.

The partnership, announced on Valentine's Day, could expand the reach of Chase QuickDeposit, the mobile remote deposit capture feature available through Chase's iOS and Android app.

"Customers demand an efficient and reliable mobile-banking experience from Chase," said Jack Stephenson, managing director of Mobile, Ecommerce and Payments, JPMorgan Chase. "Mitek's Mobile Deposit product helps us deliver on that promise by making mobile check depositing convenient and quick, across a variety of platforms."

http://www.banktech.com/channels/chase-partners-with-mitek-to-expand-quickpay-mobile-depositcapture/d/d-id/1294511

15. Defendant controls the operation and use of the Chase Mobile App and encourages its customers to use the Chase Mobile App to deposit checks to the customer's accounts with Defendant. The Defendant's Chase Mobile App is the Accused Instrumentality through which Defendant and its customers infringe the '094 Patent.

16. At least by developing, distributing, operating, promoting, and encouraging the use of the Chase Mobile App, Defendant encourages its customers to use the Chase Mobile App to practice the claimed methods, which Defendant controls the use of and derives a direct benefit and profit from.

17. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 42, of the '094 Patent by developing,

distributing, operating, promoting, and encouraging the use of the Chase Mobile App in the United States without authority. Defendant has infringed and continues to infringe the '094 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

18. Defendant has been on notice of the '094 Patent at least as early as January 15, 2019 when it received a notice letter from Plaintiff, which included a claim chart comparing the '094 Patent claims to the Chase Mobile App.

19. Claim 42 recites:

> 42. A computer implemented method performed by an image submission tool on a user device, comprising:
>
> causing the image submission tool to generate a visual representation of one or more images, the visual representation enabling a user to determine whether the one or more images should be replaced with one or more replacement images;
>
> causing the image submission tool to enable a user to enter text information for association with the one or more images or the one or more replacement images;
>
> causing the image submission tool to pre-process the one or more images or the one or more replacement images to produce one or more pre-processed images, the pre-processing by the image submission tool controlled by one or more pre-processing parameters received from a device separate from

the user device in a conversion of the one or more images or the one or more replacement images as specified for use by a receiving party;

causing the image submission tool to enable a user to submit the one or more pre-processed images; and

causing the image submission tool to transmit the one or more pre-processed images.

20. As indicated above, the Chase Mobile App enables account holders to deposit checks electronically by taking a photo of the front and back of the check. After selecting an account to deposit the check to, the user enters the amount of the check.

21. More particularly, the Chase Mobile App is a computer implemented method performed by an image submission tool on a user device.

22. In the process of using the Chase Mobile App, the computer implemented method causes the image submission tool to generate a visual representation of one or more images, the visual representation enabling a user to determine whether the one or more images should be replaced with one or more replacement images.

23. In the process of using the Chase Mobile App, the computer implemented method causes the image submission tool to enable a user to enter text information for association with the one or more images or the one or more replacement images.

24. In the process of using the Chase Mobile App, the computer implemented method causes the image submission tool to pre-process the one or more images or the one or more replacement images to produce one or more pre-processed images, the pre-processing by the image submission tool controlled by one or more pre-processing

parameters received from a device separate from the user device in a conversion of the one or more images or the one or more replacement images as specified for use by a receiving party.

25. In the process of using the Chase Mobile App, the computer implemented method causes the image submission tool to enable a user to submit the one or more pre-processed images.

26. In the process of using the Chase Mobile App, the computer implemented method causes the image submission tool to transmit the one or more pre-processed images.

27. Lupercal has been damaged by Defendant's infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '094 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '094 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 25, 2020

Respectfully submitted,

/s/ Raymond W. Mort, III

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