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

WILLIAM GRECIA,

Plaintiff,

**Civil Action No.: 6:21-cv-00102** 

VS.

KOHL'S CORPORATION,

Defendant.

JURY TRIAL DEMANDED

## **COMPLAINT FOR PATENT INFRINGEMENT**

William Grecia brings this patent-infringement action against Kohl's Corporation ("Kohl's").

### **Parties**

- 1. Plaintiff William Grecia is an individual residing in Downingtown, Pennsylvania.
- 2. Kohl's is a Wisconsin corporation, having its principal place of business in Menomonee Falls, Wisconsin.

#### **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 Kohl's. Kohl's conducts continuous and systematic business in this District; and this patent-infringement case arises

directly from Kohl's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Kohl's would be consistent with the Texas long-arm statute and traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1)-(2) and 1400(b).

#### Infringement of U.S. Patent No. 8,402,555

- 7. William Grecia is the exclusive owner of United States Patent No. 8,402,555 (the "'555 patent"), attached hereto as "Exhibit A."
  - 8. The '555 patent is valid and enforceable.
- 9. Kohl's infringes claim 2 of the '555 patent. Kohl's uses, owns, and controls an EMV point of sale device. Attached hereto as "Exhibit B" and incorporated into this complaint as if alleged herein is a claim chart setting forth the language of claim 2 and the accused steps Kohl's takes, which infringe claim 2.
- 10. Claim 2: "The method according to claim 1, wherein the membership verification token is one or more of a structured password, a random password, e-mail address, payment system and one or more redeemable instruments of trade for access rights of the encrypted digital media. Claim 1. A method for monitoring access to an encrypted digital media, the method facilitating interoperability between a plurality of data processing devices, the method comprising . . . ." Kohl's EMV-PoS devices monitor access to financial data of one or more payment systems (computer based apparatus) by writing data to describe which Tokenized PAN data is associated with a De-tokenized Authorization ID relational data.
- 11. "[R]eceiving an encrypted digital media access branding request from at least one communications console of the plurality of data processing devices, the branding request being a

read or write request of metadata of the encrypted digital media, the request comprising a membership verification token provided by a first user, corresponding to the encrypted digital media . . . ." Kohl's EMV-PoS device CPU receives an access request for computer facilitated financial data by receiving a Tokenized Primary Account Number (Tokenized PAN).

- 12. "[A]uthenticating the membership verification token, the authentication being performed in connection with a token database . . . ." Kohl's EMV-PoS device CPU authenticates the Tokenized PAN with the Luhn check digit, in connection with a Token Database (e.g., BIN tables).
- 13. "[E]stablishing 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; 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, email, 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 . . . ." The Kohl's EMV-PoS device CPU establishes a connection with the EMV Kernel inside the device which is a combination of a GUI and an API related to a De-tokenization Authorization Web Service. The Kohl's EMV-PoS device CPU requests and receives a De-tokenized Authorization ID from the EMV Kernel inside the PoS.

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14. "[B]randing metadata of the encrypted digital media by writing the membership

verification token and the electronic identification reference into the metadata." The Kohl's EMV-

PoS device CPU writes the received Tokenized PAN and Detokenized Authorization ID to

metadata of the Kohl's EMVPoS device. Writing the metadata to describe what Tokenized PAN

data (e.g., \*9671) is associated with the Detokenized Authorization ID (e.g., 06134M).

**Prayer for Relief** 

WHEREFORE, William Grecia prays for the following relief against Kohl's:

(a) Judgment that Kohl's has directly infringed claim 2 of the '555 patent;

(b) For a reasonable royalty;

(c) For pre-judgment interest and post-judgment interest at the maximum rate allowed

by law;

(d) For injunctive relief, including a preliminary injunction; and

(e) For 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 triable by jury.

Respectfully Submitted,

Date: January 30, 2021 /s/Artoush Ohanian\_\_\_\_

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Matthew M. Wawrzyn (application for *pro hac vice* admission forthcoming)

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