

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

MCOM IP, LLC, Plaintiff,)	
)	
)	Civil Action No. 6:21-cv-00217
v.)	
)	
PNC FINANCIAL SERVICES GROUP, INC. Defendant.)	JURY TRIAL DEMANDED
)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by PNC Financial Services Group, Inc. (“PNC”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, PNC is a corporation existing under the laws of the State of Pennsylvania, with a principal place of business located at 701 S University Parks Dr, Waco, Tx 76706. On information and belief, PNC sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served at its place of business.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent

6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. PNC maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the '508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '508 Patent into

service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

Claim 1	PNC Bank
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>Virtual Wallet[®] <u>Checking Pro</u></p> <p>Helping you manage your financial life</p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 1</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one</p>	<p>Easily fund your account</p> <ul style="list-style-type: none"> • Transfer from an external account or another PNC account • <u>Deposit checks via your tablet or mobile phone^[3]</u> • <u>Deposit checks or cash at an ATM</u> • Receive domestic incoming wires at no-fee <p>Attachment 1 (Virtual Wallet Checking Pro) at 2.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>

Claim 1	PNC Bank
<p>plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p style="text-align: center;"><u>Accessing</u> your money is easy to do anytime, anywhere.</p> <ul style="list-style-type: none"> <li style="display: inline-block; width: 45%; vertical-align: top;"> <p>• <u>Manage</u> your money through the PNC Mobile app or online banking^[3]</p> <li style="display: inline-block; width: 45%; vertical-align: top;"> <p>• <u>Schedule and track</u> bill payments with Online Bill Pay^[5]</p>

Claim 1	PNC Bank
	<p>Attachment 1 (Virtual Wallet Checking Pro) at 2.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<ul style="list-style-type: none"> • <u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p> <p><small>PNC Purchase Payback^{®(1)} is a rewards program designed specifically for you, based on where you like to shop, dine, and have fun. It provides great offers at your favorite retailers, or suggests similar businesses that we think you'll like.</small></p> <p>Attachment 2(PNC Purchase Payback) At 1</p> <p>Source: https://www.pnc.com/en/personal-banking/banking/rewards/pnc-purchase-payback.html</p>

Claim 1	PNC Bank
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<ul style="list-style-type: none"> <p><u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u></p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p> <p><small>PNC Purchase Payback^{®(1)} is a rewards program designed specifically for you, based on where you like to shop, dine, and have fun. It provides great offers at your favorite retailers, or suggests similar businesses that we think you'll like.</small></p> <p>Attachment 2(PNC Purchase Payback) At 1</p> <p>Source: https://www.pnc.com/en/personal-banking/banking/rewards/pnc-purchase-payback.html</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<ul style="list-style-type: none"> <p><u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u></p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p>

Claim 1	PNC Bank
	<p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p>	<p>A customized rewards program based on your spending habits means that while we make suggestions, you can choose the reward offers that interest you the most. With PNC Purchase Payback you can treat yourself to even more of the things you love...and get some additional cash or points along the way.</p> <p>Attachment 2(PNC Purchase Payback) At 1</p> <p>Source: https://www.pnc.com/en/personal-banking/banking/rewards/pnc-purchase-payback.html</p>
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<ul style="list-style-type: none"> • <u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said</p>	

Claim 1	PNC Bank
<p>user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p style="text-align: center;"> Virtual Wallet[®] Checking Pro </p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;"> Helping you manage your financial life </p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 1</p> <p style="text-align: center;">Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p style="text-align: center;"> Virtual Wallet[®] Checking Pro </p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;"> Helping you manage your financial life </p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 1</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote from the other, and each of which comprise one or more of an</p>	

Claim 1	PNC Bank
<p>automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Easily fund your account</p> <ul style="list-style-type: none"> • Transfer from an external account or another PNC account • Deposit checks via your tablet or mobile phone^[3] • Deposit checks or cash at an ATM • Receive domestic incoming wires at no-fee <p>Attachment 1 (Virtual Wallet Checking Pro) at 2.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p><u>Accessing</u> your money is easy to do anytime, anywhere.</p> <ul style="list-style-type: none"> • Manage your money through the PNC Mobile app or online banking^[3] • Schedule and track bill payments with Online Bill Pay^[5] <p>Attachment 1 (Virtual Wallet Checking Pro) at 2.</p>

Claim 1	PNC Bank
	<p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<ul style="list-style-type: none"> <p><u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u></p> <p style="text-align: center;">Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p style="text-align: center;">Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p> <p style="text-align: center;"><small>PNC Purchase Payback^{®(1)} is a rewards program designed specifically for you, based on where you like to shop, dine, and have fun. It provides great offers at your favorite retailers, or suggests similar businesses that we think you'll like.</small></p> <p style="text-align: center;">Attachment 2(PNC Purchase Payback) At 1</p> <p style="text-align: center;">Source: https://www.pnc.com/en/personal-banking/banking/rewards/pnc-purchase-payback.html</p>

Claim 1	PNC Bank
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<ul style="list-style-type: none"> <p><u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u></p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p> <p><small><u>PNC Purchase Payback^{®(1)} is a rewards program designed specifically for you, based on where you like to shop, dine, and have fun. It provides great offers at your favorite retailers, or suggests similar businesses that we think you'll like.</u></small></p> <p>Attachment 2(PNC Purchase Payback) At 1</p> <p>Source: https://www.pnc.com/en/personal-banking/banking/rewards/pnc-purchase-payback.html</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<ul style="list-style-type: none"> <p><u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u></p> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>

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<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<ul style="list-style-type: none"> • <u>Calendar shows you upcoming paydays, payments that you've set up and a history of your posted transactions.</u> <p>Attachment 1 (Virtual Wallet Checking Pro) at 4.</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of</p>	<p>Virtual Wallet[®] <u>Checking Pro</u></p> <p>Helping you manage your financial life</p>

Claim 1	PNC Bank
additional information related to said marketing content occurs during said active session.	<p>Attachment 1 (Virtual Wallet Checking Pro) at 1</p> <p>Source: https://www.pnc.com/en/personal-banking/virtual-wallet-overview/virtual-wallet-checking-pro-overview.html#</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. PNC has and continues to induce infringement. PNC has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, PNC has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

11. PNC has and continues to contributorily infringe. PNC has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, PNC has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

12. PNC has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award MCom its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in

an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in black ink, appearing to read 'WPR', with a large, stylized flourish underneath.

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