

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

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00216
v.)	
)	
U.S. BANK N.A.)	
)	JURY TRIAL DEMANDED
Defendant.)	

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 U.S. Bank N.A. (“US Bank”).

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, US BANK is a corporation existing under the laws of the State of Pennsylvania, with a principal place of business located at 1350 E 8th St, Odessa, Texas, 79761. On information and belief, US BANK 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

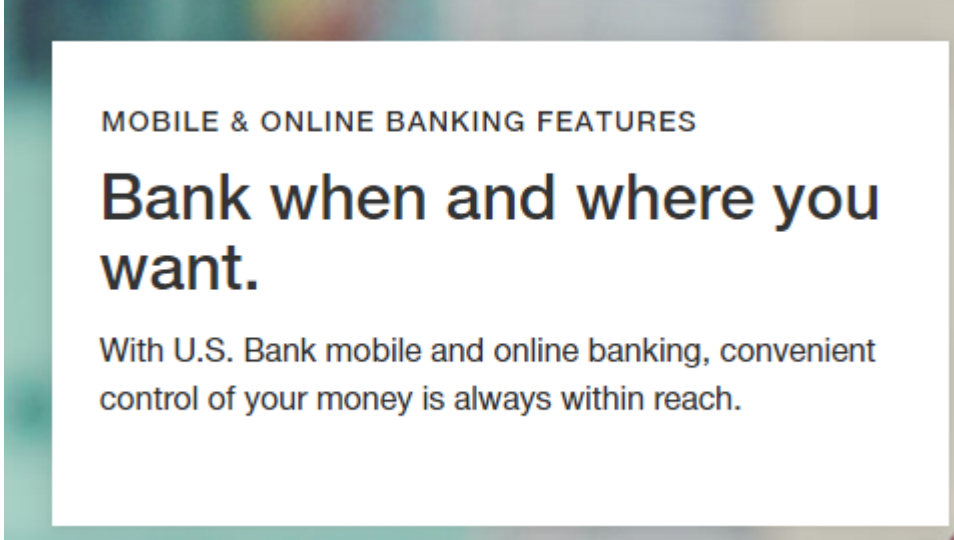
6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by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

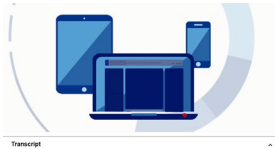

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

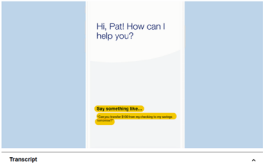

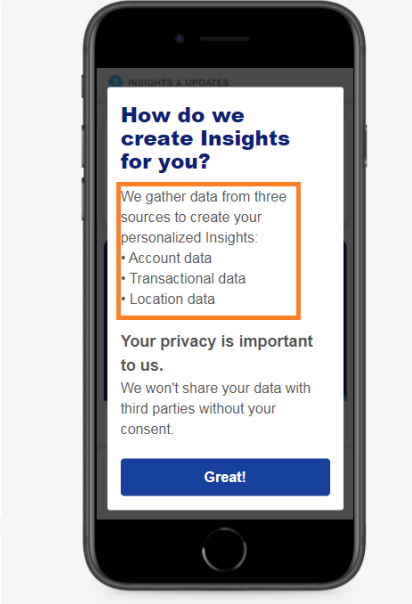
8. US BANK maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the '508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '508

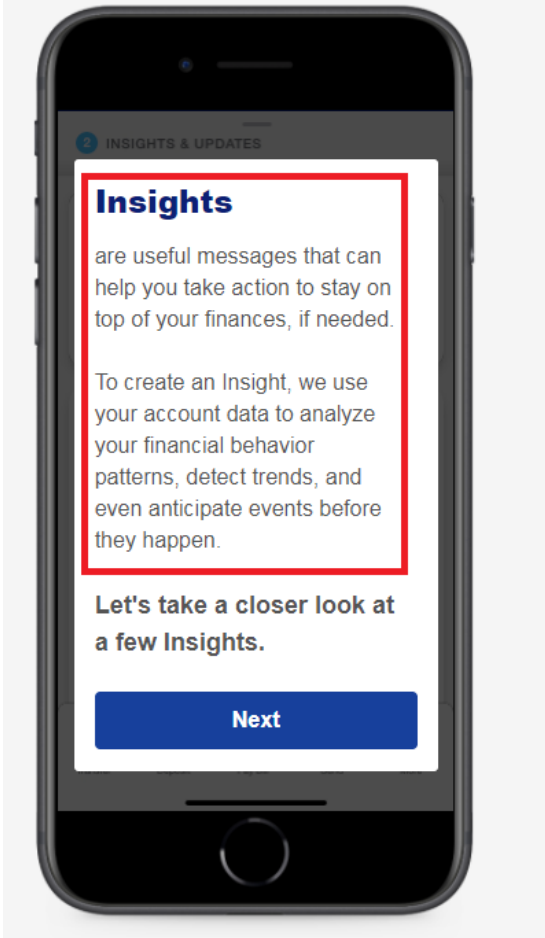
Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s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

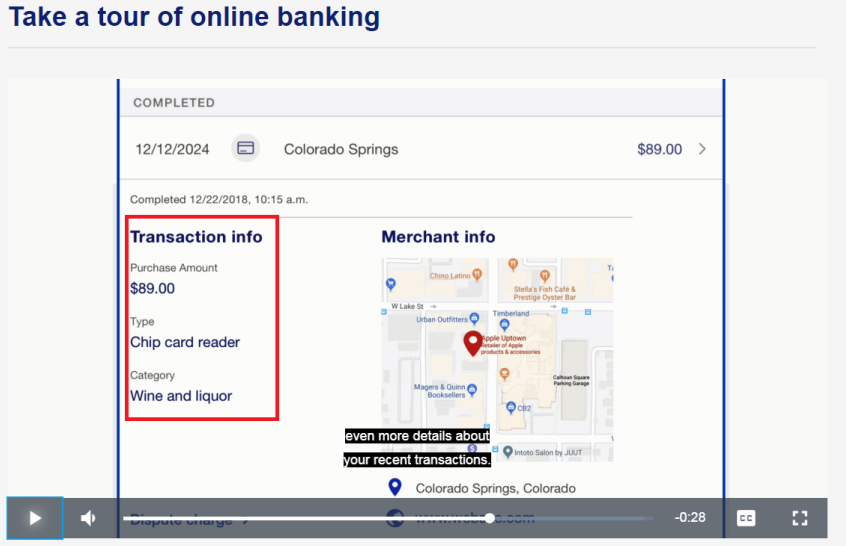
9. Support for the allegations of infringement may be found in the following preliminary table:

Claim	US bank NA
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	 <p>Attachment 1 (Mobile and online banking U.S. Bank)</p> <p>Source: https://www.usbank.com/online-mobile-banking.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</p>	

Claim	US bank NA
<p>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 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>	<div data-bbox="397 325 669 535">  <p>Transcript</p> <p>Video over: PUBLIC PLAYBACK</p> <p>Disclaimer: This content may be bank-related.</p> <p>Video over: It's no going online banking is whole lot better because we know that meeting your financial goals is about more than just getting money.</p> <p>Disclaimer: Learn more about online. Take. Next. Your. Money. Find what you need.</p> </div> <p data-bbox="397 630 1104 661">Attachment 2 (Online video Take a tour of online banking)</p> <p data-bbox="397 693 1282 766">Source: https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p> <div data-bbox="397 861 669 976"> <p>Account-to-account transfers</p> <p>Transfers between your U.S. Bank accounts post immediately. We never charge a fee to transfer funds internally.</p> <p>External transfers</p> <p>Transfer money between your U.S. Bank accounts and accounts you hold at other financial institutions.</p> </div> <p data-bbox="397 1081 779 1113">Attachment 3 (Transfer Money)</p> <p data-bbox="397 1144 1364 1176">Source: https://www.usbank.com/online-mobile-banking/transfer-money.html</p> <div data-bbox="397 1344 669 1501">  <p>Anti-fraud management</p> </div> <div data-bbox="397 1501 669 1627"> <p>Transcript</p> <p>Disclaimer: A cell phone with a lost battery is. The cell phone has a variety of issues and it that changes to a huge point. Text, privacy and security. Device banking from anywhere.</p> <p>Video over: There's nothing about security. Every day, we work to protect the way to the account you to bank from anywhere with the most secure.</p> <p>Disclaimer: Learn more about security and credit cards before it.</p> <p>Video over: To start, we added only the information we need to provide the services you use. And we never share it without your permission.</p> <p>Disclaimer: A cell phone bank. The safe account https://www.usbank.com</p> <p>Video over: All services are a working relationship between our technology and based on our secure network, not on your phone. It's not on your phone.</p> <p>Disclaimer: The safe is the details.com/secure/with-the-usbank</p> </div> <p data-bbox="397 1659 1071 1690">Attachment 4 (Online video Learn about your privacy)</p> <p data-bbox="397 1722 1380 1795">Source: https://exploreusbank.com/en/course/start/introduction-mobile-ios/video-public-learn-about-your-privacy/video</p>
<p>receiving an actionable input from</p>	

Claim	US bank NA
<p>at least one e-banking touch point;</p>	<p>Bank with your voice using your U.S. Bank Smart Assistant™</p>  <p>Attachment 5 (Online video Bank with your voice using your U.S. Bank Smart Assistant™)</p> <p>Source: https://exploreusbank.com/en/course/start/self-service-public/video-public-bank-with-voice-us-bank-assistant/video</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>	<p>Introduction to Insights</p> <p>Save and spend smarter with personalized Insights</p> <p>This tutorial will introduce you to Insights and how to interact with them in the U.S. Bank Mobile App.</p> <p>You will learn:</p> <ul style="list-style-type: none"> • The value that Insights provide • Where to find your Insights • What Insights look like • How to make Insights more relevant for you <p>Start over</p> <p>Download our app today</p>  <p>Share</p>  <p>Attachment 6 (Introduction to Insights Mobile App)</p> <p>Source: https://exploreusbank.com/en/course/start/insights-public/emulator-public-intro-insights/emulator</p>

Claim	US bank NA
	 <p>The screenshot shows a mobile application interface with a dark header labeled 'INSIGHTS & UPDATES'. Below the header, the word 'Insights' is displayed in a large, bold, blue font. Underneath, there are two paragraphs of text: 'are useful messages that can help you take action to stay on top of your finances, if needed.' and 'To create an Insight, we use your account data to analyze your financial behavior patterns, detect trends, and even anticipate events before they happen.' Below the text, there is a blue button labeled 'Next'. The entire content area is enclosed in a red rectangular border.</p> <p>Attachment 7(Using Personalized Insights)</p> <p>Source: https://exploreusbank.com/en/course/start/insights-public/emulator-public-using-personalized-insights/emulator</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	

Claim	US bank NA
	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</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>	

Claim US bank NA

Take a tour of online banking

Check your accounts and recent activity at a glance.

at a glance with notifications to keep you informed.

Attachment 2 (Online video | Take a tour of online banking)

Source: <https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video>

Take a tour of online banking

Transaction info

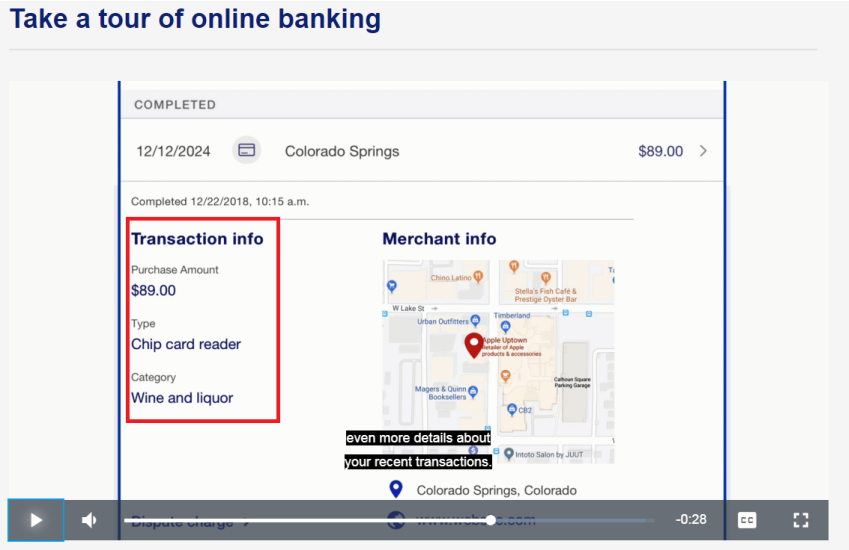
Purchase Amount
\$89.00

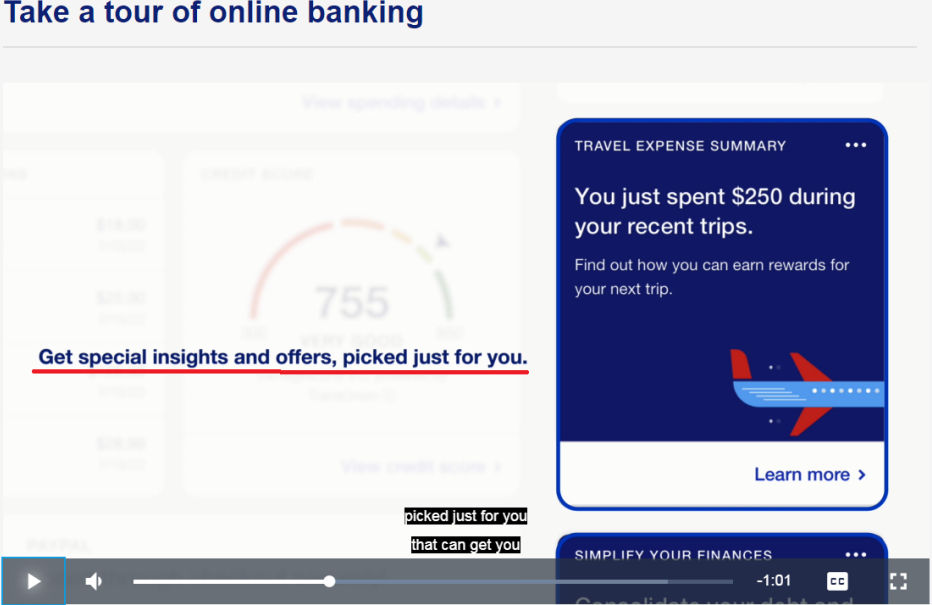
Type
Chip card reader

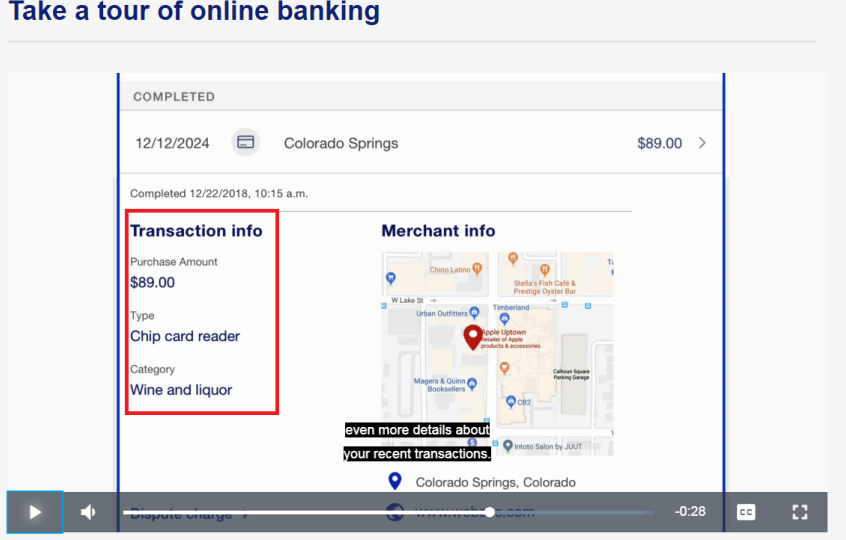
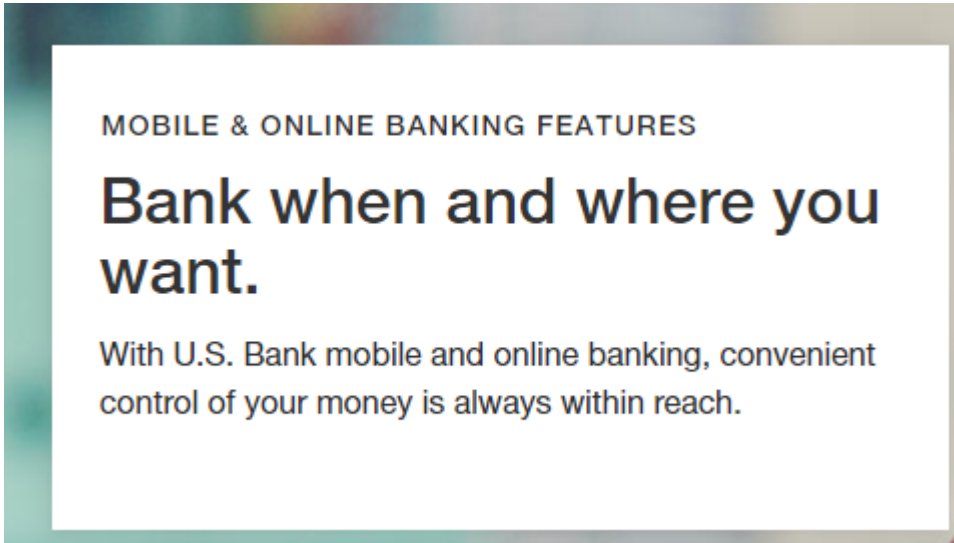
Category
Wine and liquor

Merchant info



even more details about your recent transactions.

Claim	US bank NA
	<p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</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>Take a tour of online banking</p>  <p>COMPLETED</p> <p>12/12/2024 Colorado Springs \$89.00 ></p> <p>Completed 12/22/2018, 10:15 a.m.</p> <p>Transaction info</p> <p>Purchase Amount \$89.00</p> <p>Type Chip card reader</p> <p>Category Wine and liquor</p> <p>Merchant info</p> <p>Chino Latino Urban Outfitters Magers & Quinn Bookellers Timberland Shella's Fish Cafe & Prestige Oyster Bar Apple Upstream Culham Towers Parking Garage Photo Station by JUUT</p> <p>even more details about your recent transactions.</p> <p>Colorado Springs, Colorado</p> <p>-0:28</p>
	<p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p>

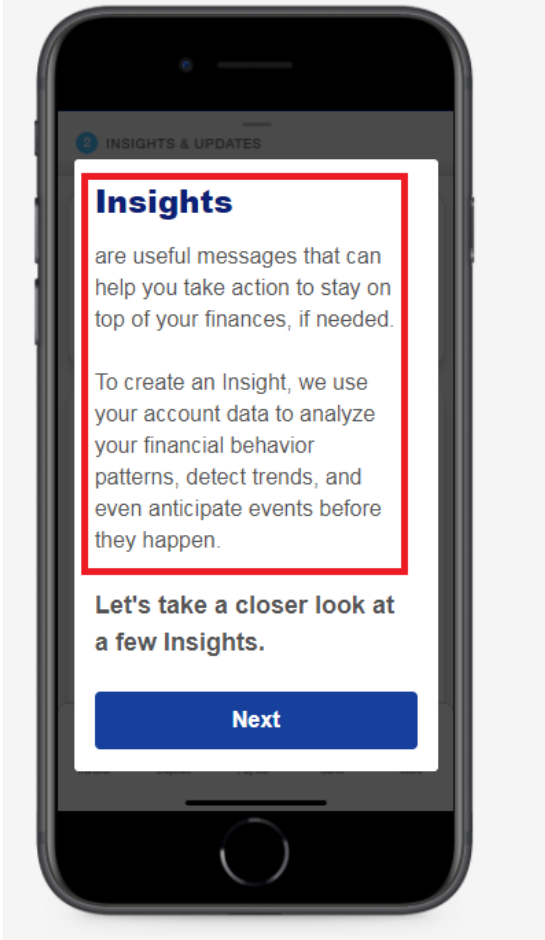
Claim	US bank NA
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</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 additional information related</p>	

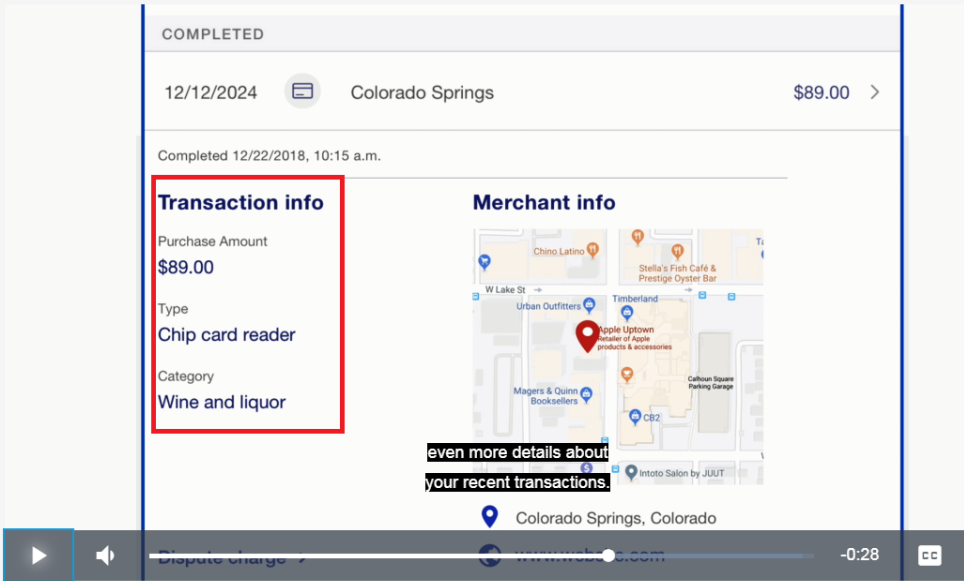
Claim	US bank NA
<p>to said marketing content occurs during said active session.</p>	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p>
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	

Claim	US bank NA
	<p>Attachment 1 (Mobile and online banking U.S. Bank)</p> <p>Source: https://www.usbank.com/online-mobile-banking.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 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</p>	<div data-bbox="402 869 669 1003" data-label="Image"> </div> <div data-bbox="402 1003 669 1075" data-label="Text"> <p>Transcript <small>View over 2:55:52 (LIVE)</small> <small>Download: Your browser may not be able to play this video.</small> <small>View over: This is going online banking is while you talk because we know that meeting your financial goals is about more than just current balance.</small> <small>Remember to login, logout and close. Talk, Meet your goals. Find what you need.</small></p> </div> <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source: https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p> <p>Account-to-account transfers <small>Transfers between your U.S. Bank accounts post immediately. We never charge a fee to transfer funds internally.</small></p> <p>External transfers <small>Transfer money between your U.S. Bank accounts and accounts you hold at other financial institutions.</small></p> <p>Attachment 3 (Transfer Money)</p> <p>Source: https://www.usbank.com/online-mobile-banking/transfer-money.html</p>

Claim	US bank NA
<p>one or more financial institutions through said multi-channel server;</p>	 <p>Transcript</p> <p>Descriptor: A cell phone with a lock behind it. The cell phone has a purple lock on it that changes to a finger print. Text, privacy and security. Please manage your account.</p> <p>Video over: There's nothing about security. Every day, we work to keep you safe & secure with the latest security updates and the latest updates.</p> <p>Descriptor: A bank with a lock and a credit card behind it.</p> <p>Video over: To start, we collect only the information we need to provide the services you use. And we never share it without your permission.</p> <p>Descriptor: A safe that looks like the safe app on a smartphone.</p> <p>Video over: All sensitive data is sent using advanced encryption technology and stored on our secure servers, not on your phone. To learn more please visit our website.</p> <p>Descriptor: The safe is the same as the safe on the website.</p> <p>Attachment 4 (Online video Learn about your privacy)</p> <p>Source: https://exploreusbank.com/en/course/start/introduction-mobile-ios/video-public-learn-about-your-privacy/video</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p>Bank with your voice using your U.S. Bank Smart Assistant™</p>  <p>Transcript</p> <p>Attachment 5 (Online video Bank with your voice using your U.S. Bank Smart Assistant™)</p> <p>Source: https://exploreusbank.com/en/course/start/self-service-public/video-public-bank-with-voice-us-bank-assistant/video</p>

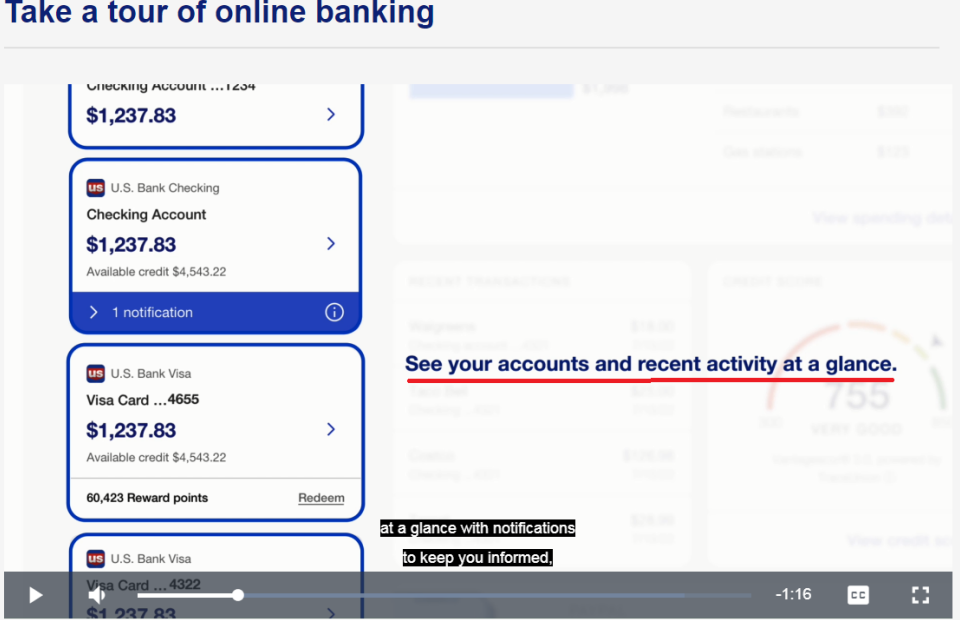
Claim	US bank NA
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<div data-bbox="423 302 837 344" data-label="Section-Header"> <h2>Introduction to Insights</h2> </div> <div data-bbox="423 359 842 384" data-label="Text"> <p>Save and spend smarter with personalized Insights</p> </div> <div data-bbox="423 415 850 468" data-label="Text"> <p>This tutorial will introduce you to Insights and how to interact with them in the U.S. Bank Mobile App.</p> </div> <div data-bbox="423 497 540 520" data-label="Text"> <p>You will learn:</p> </div> <div data-bbox="423 531 802 659" data-label="List-Group"> <ul style="list-style-type: none"> • The value that Insights provide • Where to find your Insights • What Insights look like • How to make Insights more relevant for you </div> <div data-bbox="423 682 581 726" data-label="Text"> <p>Start over</p> </div> <div data-bbox="423 730 626 756" data-label="Text"> <p>Download our app today</p> </div> <div data-bbox="423 772 732 816" data-label="Image"> </div> <div data-bbox="423 915 496 940" data-label="Text"> <p>Share</p> </div> <div data-bbox="394 1062 1027 1094" data-label="Text"> <p>Attachment 6 (Introduction to Insights Mobile App)</p> </div> <div data-bbox="394 1129 1385 1203" data-label="Text"> <p>Source: https://exploreusbank.com/en/course/start/insights-public/emulator-public-intro-insights/emulator</p> </div> <div data-bbox="935 268 1386 957" data-label="Image"> </div>

Claim	US bank NA
	 <p data-bbox="397 1245 899 1276">Attachment 7(Using Personalized Insights)</p> <p data-bbox="397 1312 1386 1383">Source: https://exploreusbank.com/en/course/start/insights-public/emulator-public-using-personalized-insights/emulator</p>
<p data-bbox="99 1486 370 1692">delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	

Claim	US bank NA
	<p>Take a tour of online banking</p>  <p>The screenshot shows a video player interface. At the top, it says 'COMPLETED' and '12/12/2024 Colorado Springs \$89.00'. Below that, it says 'Completed 12/22/2018, 10:15 a.m.'. There are two main sections: 'Transaction info' and 'Merchant info'. The 'Transaction info' section is highlighted with a red box and contains the following details: Purchase Amount: \$89.00, Type: Chip card reader, and Category: Wine and liquor. The 'Merchant info' section shows a map of Colorado Springs with several locations marked, including Chino Latino, Stella's Fish Cafe & Prestige Oyster Bar, Urban Outfitters, Timberland, Apple Uptown, Magers & Quinn Booksellers, and Intoto Salon by JUUT. A play button is visible in the bottom left corner of the video player.</p> <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</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</p>	

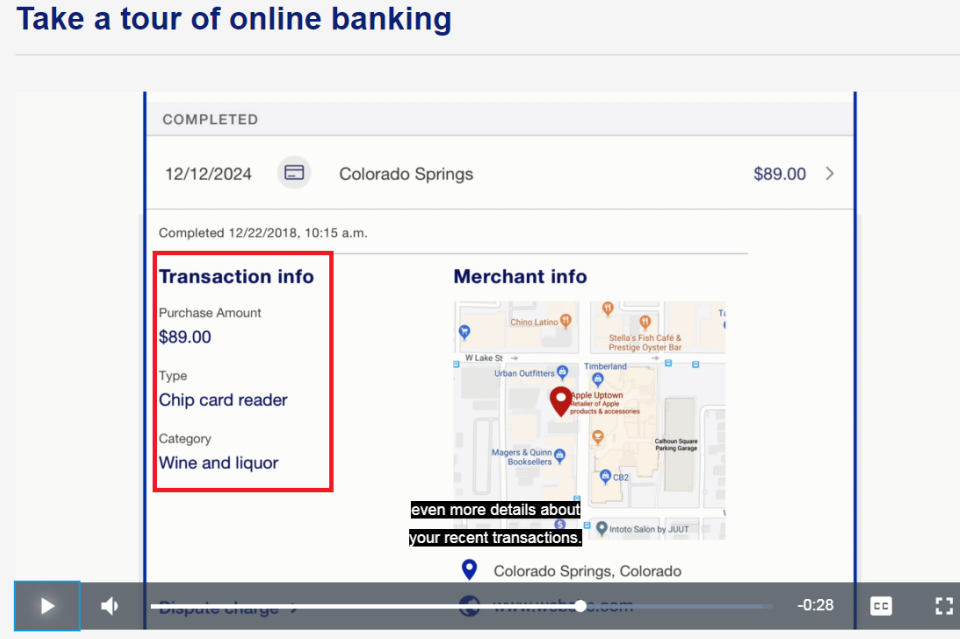
Claim	US bank NA
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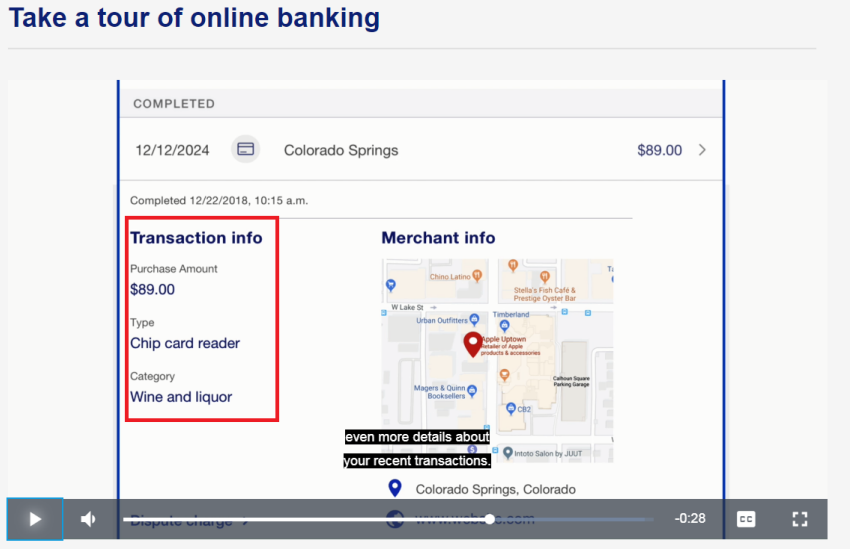
more computer systems;

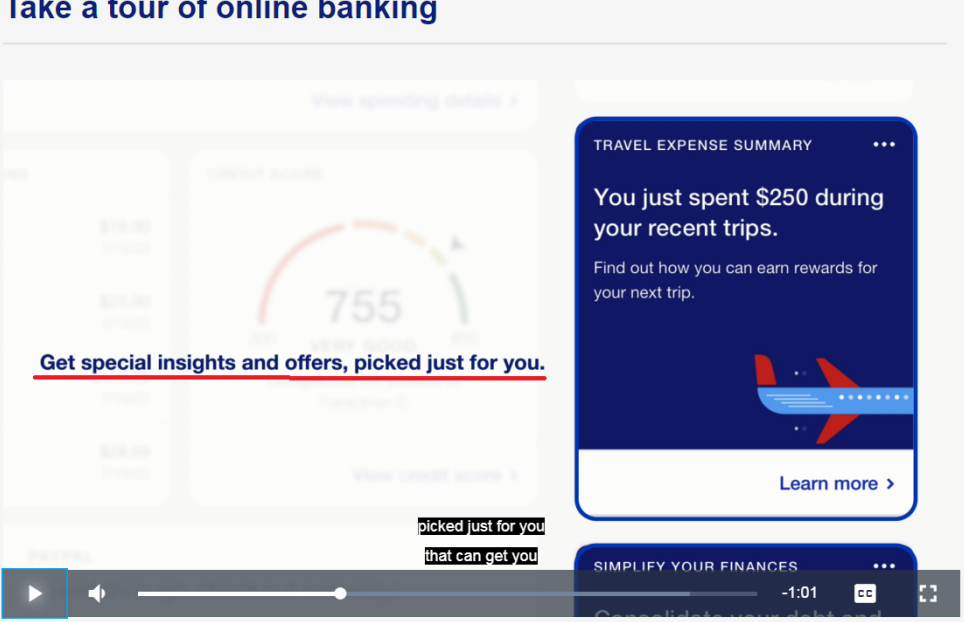


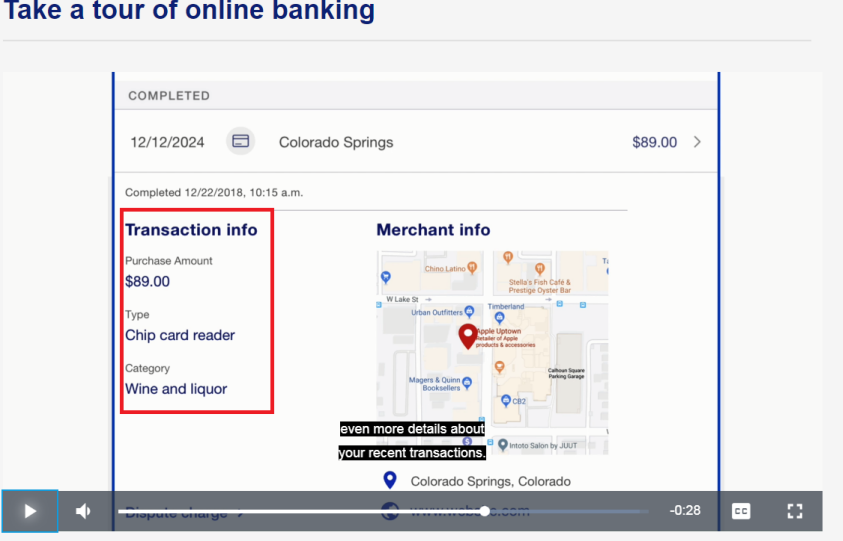
Attachment 2 (Online video | Take a tour of online banking)

Source: <https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video>



Claim	US bank NA
	<p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p>
<p>monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p>	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p>

Claim	US bank NA
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</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 additional information related</p>	

Claim	US bank NA
<p>to said marketing content occurs during said active session.</p>	<p>Take a tour of online banking</p>  <p>Attachment 2 (Online video Take a tour of online banking)</p> <p>Source:https://exploreusbank.com/en/course/start/introduction-public-online/video-public-a-better-way-to-bank-online/video</p>

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

10. US BANK has and continues to induce infringement. US BANK 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, US BANK has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

11. US BANK has and continues to contributorily infringe. US BANK 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, US BANK has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

12. US BANK 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 blue ink, appearing to read 'WPR', with a large, stylized flourish underneath.

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