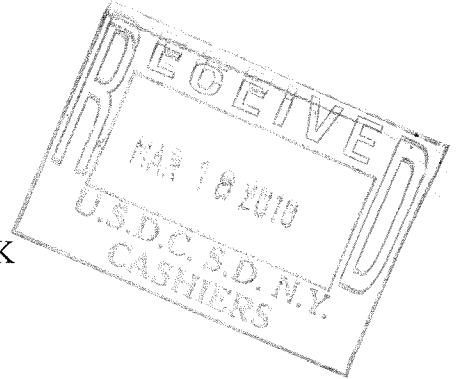


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10 CIV 2268

Attorneys for Plaintiffs
Island Intellectual Property LLC
and LIDs Capital LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ISLAND INTELLECTUAL PROPERTY LLC and :
LIDS CAPITAL LLC, :

Plaintiffs, :

v. :

DEUTSCHE BANK TRUST COMPANY
AMERICAS and TOTAL BANK SOLUTIONS,
LLC, :

Defendants. :

Civil Action No.: _____

COMPLAINT

JURY TRIAL DEMANDED

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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Island Intellectual Property LLC (“Island IP”) and LIDs Capital LLC (“LIDs Capital”) (collectively, the “Island Plaintiffs”), by their attorneys Amster, Rothstein & Ebenstein LLP, for their complaint against Defendants Deutsche Bank Trust Company Americas (“Deutsche”) and Total Bank Solutions, LLC (“TBS”) (collectively, the “Deutsche Defendants”), allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising out of:
 - A. The Deutsche Defendants' infringement of U.S. Patent No. 7,672,886 generally relating to computerized account management techniques used with insured deposit accounts; and
 - B. The Deutsche Defendants' infringement of U.S. Patent No. 7,680,734 generally relating to computerized account management techniques used with insured deposit accounts.
2. Specifically, this complaint asserts claims against:
 - A. The Deutsche Defendants arising from their infringement of at least Claim 1 of U.S. Patent No. 7,672,886 issued on March 2, 2010, and entitled "Systems and Methods for Managing Client Accounts" ("the '886 Patent"); and
 - B. The Deutsche Defendants arising from their infringement of at least Claim 8 of U.S. Patent No. 7,680,734 issued on March 16, 2010, and entitled "Money Fund Banking System" ("the '734 Patent").
3. True and correct copies of the '886 Patent, and '734 Patent are attached hereto as Exhibits A and B respectively.

THE PARTIES

4. Island IP is a limited liability company, organized and existing under the laws of the State of Delaware. Island IP's principal place of business is located at 1250 Broadway, Thirty-Second Floor, New York, NY 10001, within this District.
5. LIDs Capital is a limited liability company, organized and existing under the laws of the State of Delaware. LIDs Capital's principal place of business is located at 1250 Broadway, Thirty-Second Floor, New York, NY 10001, within this District.

6. Upon information and belief, Defendant Deutsche is a corporation organized and existing under the laws of the State of New York. Deutsche's principal place of business is located at 60 Wall Street, New York, NY 10005, within this District.

7. Upon information and belief, Defendant TBS is a corporation organized and existing under the laws of the State of New Jersey. TBS's principal place of business is located at Three University Plaza, Suite 500, Hackensack, NJ 07601.

JURISDICTION AND VENUE

8. This is a civil action for patent infringement arising under the United States patent statutes, 35 U.S.C. § 1 *et seq.*

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, Defendant Deutsche is subject to this Court's personal jurisdiction because it has done substantial business in this judicial district, including: (i) offering and operating its banking services within this State and this District; and (ii) maintaining an office within this State and this District. In addition, as a New York Corporation, Defendant Deutsche has designated an agent for service of process in the State of New York.

11. Upon information and belief, Defendant TBS is subject to this Court's personal jurisdiction because it has done substantial business in this judicial district, including offering and operating computer and record keeping services for at least Deutsche's infringing insured deposit program within this State and in this District.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

FACTUAL BACKGROUND

13. The Island Plaintiffs are industry leaders in providing cash management and monetary regulation systems.

14. The principals of Double Rock Corporation (“Double Rock”), the corporate parent of each of the Island Plaintiffs, developed an innovative product known as “insured deposits,” which provides financial service institutions with the ability to offer customers FDIC-insured, interest bearing demand accounts, with unlimited checking.

15. One type of insured deposits product, developed by Double Rock and now offered through LIDs Capital, is an insured deposits program for broker dealers and clearing agents that permits brokerage accounts to have expanded FDIC insurance protection.

16. Since its first introduction, the principals of Double Rock developed improvements to the insured deposits product.

17. Various improvements developed by the principals of Double Rock for the insured deposits product offered by broker dealers and clearing agents relate to providing broker dealers and clearing agents the ability to allow clients to make more than six withdrawals by check and/or debit card from customer accounts during a monthly period and the manager to make more than six withdrawals from at least one program bank omnibus account during a monthly period.

THE PATENTS-IN-SUIT

18. The '886 Patent generally claims novel and non-obvious system of managing client funds from a plurality of client accounts which allows the clients to make more than six withdrawals by check and/or debit card from customer accounts during a monthly period and the manager to make more than six withdrawals from at least one program bank omnibus account during a monthly period.

19. The '734 Patent generally claims a novel and non-obvious method of managing client funds from a plurality of client accounts which allows the clients to make more than six withdrawals, at least one withdrawal being by debit card, from customer accounts during a monthly period and the manager to make more than six withdrawals from at least one omnibus account that is not a program bank during a monthly period.

20. Island IP, a wholly-owned subsidiary of Double Rock, is the owner of all rights, title and interest in the '886 Patent and '734 Patent.

21. LIDs Capital, also a wholly-owned subsidiary of Double Rock, is the exclusive licensee of Island IP for the '886 Patent and '734 Patent with respect to providing cash management services for broker dealers and asset managers.

THE DEUTSCHE DEFENDANTS' INFRINGING PRODUCTS

22. Upon information and belief, the Deutsche Defendants operate, within the United States, a money management program designated as the "Deutsche Bank Insured Deposit Program" ("Deutsche IDP"), which includes a Brokerage Sweep Product.

23. Upon information and belief, TBS is a financial data processing company that offers its own insured deposit program which provides the computer and record keeping services for at least the Deutsche IDP Brokerage Sweep Product.

24. Upon information and belief, the computer systems used with the Deutsche IDP Brokerage Sweep Product use the methods claimed in at least Claim 1 of the '886 Patent.

25. The Deutsche Defendants do not have a license or other authorization from any of the Island Plaintiffs to practice the claims set forth in the '886 Patent.

26. Upon information and belief, the computer systems used with the Deutsche IDP Brokerage Sweep Product use the methods claimed in at least Claim 8 of the '734 Patent.

27. The Deutsche Defendants do not have a license or other authorization from any of the Island Plaintiffs to practice the claims set forth in the '734 Patent.

28. The Deutsche IDP Brokerage Sweep Product competes directly with products offered by LIDs Capital.

COUNT ONE

(By the Island Plaintiffs for Patent Infringement by the Deutsche Defendants of the '886 Patent)

29. The Island Plaintiffs incorporate by reference as if fully set forth herein the averments contained within the preceding paragraphs.

30. Upon information and belief, the Deutsche Defendants have infringed literally and/or under the doctrine of equivalents at least Claim 1 of the '886 Patent, in violation of Title 35, United States Code section 271 through one or more of the following: (1) the manufacture, use, sale, and/or offer for sale of the invention claimed in the '886 Patent; (2) the active inducement of another to infringe the '886 Patent; and/or (3) contributing to the infringement by another of the '886 Patent.

31. Unless enjoined by this Court, the Deutsche Defendants will continue their acts of infringement causing substantial and irreparable harm to the Island Plaintiffs.

32. Upon information and belief, Defendant Deutsche has been on notice of a published application which matured into the '886 Patent since at least as early as on or about March 28, 2007.

33. Upon information and belief, Defendant TBS has been on notice of a published application which matured into the '886 Patent since at least as early as on or about July 13, 2007.

34. Upon information and belief, the Deutsche Defendants' infringement of the '886 Patent has been willful.

35. The Island Plaintiffs are suffering and will continue to suffer damages as the direct and proximate result of the Deutsche Defendants' infringement of the '886 Patent.

36. The Island Plaintiffs are suffering and will continue to suffer irreparable injury as the direct and proximate result of the Deutsche Defendants' infringement of the '886 Patent.

COUNT TWO

(By the Island Plaintiffs for Patent Infringement by the Deutsche Defendants of the '734 Patent)

37. The Island Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-28 above.

38. Upon information and belief, the Deutsche Defendants have infringed literally and/or under the doctrine of equivalents at least Claim 8 of the '734 Patent, in violation of Title 35, United States Code section 271 through one or more of the following: (1) the manufacture, use, sale, and/or offer for sale of the invention claimed in the '734 Patent; (2) the active inducement of another to infringe the '734 Patent; and/or (3) contributing to the infringement by another of the '734 Patent.

39. Unless enjoined by this Court, the Deutsche Defendants will continue their acts of infringement causing substantial and irreparable harm to the Island Plaintiffs.

40. The Island Plaintiffs are suffering and will continue to suffer damages as the direct and proximate result of the Deutsche Defendants' infringement of the '734 Patent.

41. The Island Plaintiffs are suffering and will continue to suffer irreparable injury as the direct and proximate result of the Deutsche Defendants' infringement of the '734 Patent.

PRAYER FOR RELIEF

WHEREFORE, the Island Plaintiffs request judgment against the Deutsche Defendants as follows:

I. WITH RESPECT TO THE '886 PATENT

A. That the Deutsche Defendants be held liable for infringement of at least Claim 1 of the '886 Patent.

B. That a permanent injunction issue against the Deutsche Defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '886 Patent.

C. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs damages adequate to compensate the Island Plaintiffs for the acts of infringement of the Deutsche Defendants together with interest and costs, pursuant to 35 U.S.C. § 284.

D. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs treble damages for the acts of willful infringement of the Deutsche Defendants, pursuant to 35 U.S.C. § 284.

E. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs all of their attorneys' fees on account of this action being an exceptional case under 35 U.S.C. § 285.

F. That the Court award such other and further relief as the Court deems just and proper.

II. WITH RESPECT TO THE '734 PATENT

A. That the Deutsche Defendants be held liable for infringement of at least Claim 8 of the '734 Patent.

B. That a permanent injunction issue against the Deutsche Defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and

successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '734 Patent.

C. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs damages adequate to compensate the Island Plaintiffs for the acts of infringement of the Deutsche Defendants together with interest and costs, pursuant to 35 U.S.C. § 284.

D. That the Court award such other and further relief as the Court deems just and proper.

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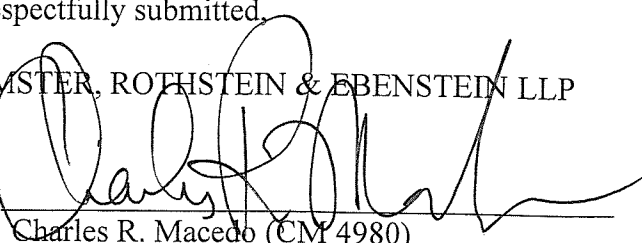
DEMAND FOR JURY TRIAL

42. The Island Plaintiffs hereby request a trial by jury.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By



Charles R. Macedo (CM 4980)

Dated: New York, New York
March 16, 2010

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EXHIBIT A



US007672886B2

(12) **United States Patent**
Bent et al.

(10) **Patent No.:** US 7,672,886 B2
 (45) **Date of Patent:** Mar. 2, 2010

(54) **SYSTEMS AND METHODS FOR MANAGING CLIENT ACCOUNTS**

4,694,397 A 9/1987 Grant

(75) Inventors: **Bruce Bent**, Manhasset, NY (US);
Bruce Bent, II, New York, NY (US)

(Continued)

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(73) Assignee: **Island Intellectual Property LLC**, New York, NY (US)

JP 10049590 2/1998

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1179 days.

(Continued)

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(21) Appl. No.: **11/149,278**

12 CFR Part 329—Interest on Deposit. Source: 51 FR 10808. Mar. 31, 1986 (5 pages).*

(22) Filed: **Jun. 10, 2005**

(Continued)

(65) **Prior Publication Data**

US 2005/0228733 A1 Oct. 13, 2005

Primary Examiner—James P Trammell
Assistant Examiner—B. Joan Amelunxen
 (74) *Attorney, Agent, or Firm*—Foley & Lardner LLP

Related U.S. Application Data

(60) Division of application No. 09/677,535, filed on Oct. 2, 2000, which is a continuation-in-part of application No. 09/176,340, filed on Oct. 21, 1998, now Pat. No. 6,374,231.

(57) **ABSTRACT**

Providing interest to clients' deposited funds without limitation on the number of demand withdrawals from deposit accounts is accomplished by an administration system that keeps all of the records for the clients' deposits and withdrawals, calculates the total of the deposits and withdrawals for all clients, and uses the calculation to determine whether funds are deposited to or withdrawn from one or more deposit accounts in which all clients' deposit funds are kept. Clients can make unlimited withdrawals, such as by check, credit card, debit card, or electronic transfer, through the administrator. By placing the administrator as the holder of the deposit account(s), exemptions to the limitation on earning interest in demand accounts is facilitated; additionally, dispersing the deposit account funds among multiple banks allows the client to obtain FDIC insurance for all of the deposited funds, which may amount to insurance in excess of the statutory maximum allowed (presently \$100,000.00).

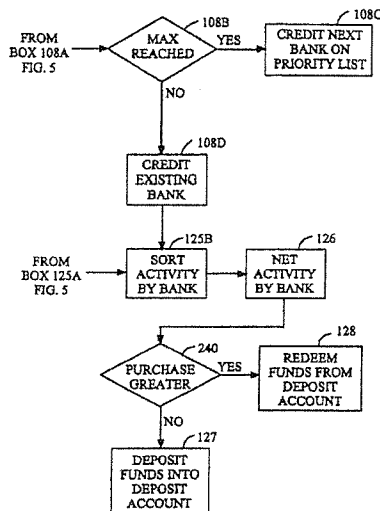
- (51) **Int. Cl.**
G06Q 40/00 (2006.01)
- (52) **U.S. Cl.** 705/35; 705/39; 705/40; 235/379
- (58) **Field of Classification Search** 235/379; 705/4, 35, 38, 40, 42, 39
 See application file for complete search history.

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13 Claims, 4 Drawing Sheets



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