

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PEREGRIN LICENSING LLC,

Plaintiff,

v.

WELLS FARGO & CO.,

Defendant.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Peregrin Licensing LLC (“Peregrin” or “Plaintiff”) files this Complaint against Defendant Wells Fargo & Co. (“Wells Fargo” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff Peregrin Licensing LLC is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 100 W. Houston Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant Wells Fargo & Co. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 420 Montgomery Street, San Francisco, CA 94104. Upon information and belief, Defendant may be served with process via its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas. Upon information and belief, Defendant, directly or indirectly, participates in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and/or sold in the State of Texas and/or imported into the United States to the State of Texas.

6. Upon information and belief, Defendant maintains physical places of business throughout the United States, including in this Judicial District, including but not limited to: 2317 Richmond Road, Texarkana, Texas 75503; 1301 Arkansas Road, Texarkana; 1421 North Central Expressway, Plano, Texas 75075; 2400 East Plano Parkway, Plano, Texas 75074; 1500 Custer Road, Plano, Texas 75075; 212 Coit Road, Plano, Texas 75075; 2912 Legacy Drive, Plano, Texas 75023; 154 West FM 544, Murphy, Texas 75094; 995 West Bethany Drive, Allen, Texas 75013; 4000 Legacy Drive, Plano, Texas 75024; 3300 Preston Road, Plano, Texas 75093; 900 West McDermott Drive, Allen, Texas 75013; 5936 West Park Boulevard, Plano, Texas 75093; 8990 State Highway 121, McKinney, Texas 75070; and 1602 East Exchange Parkway, Allen, Texas

75002.

7. Upon information and belief, Defendant offers its products and services throughout Texas, including this Judicial District, by shipping, distributing, offering for sale, selling, and advertising its products through its website:¹

The screenshot shows the 'ATM and Banking Locations' page on the Wells Fargo website. At the top, there is a search bar labeled 'Find a Wells Fargo location' with a 'Search' button. To the right, under 'Narrow Your Search', there are several checkboxes for services: Bank Only, Bank Drive Up, Bank Within a Location, ATM Drive Up, Open Saturday, 24-Hour ATM, Safe Deposit Boxes, Make an Appointment, Notary Service, and Foreign Currency Exchange. Below the search bar is a map of the United States with most states highlighted in orange. To the right of the map, text reads: 'You can select a state to find an ATM or banking location near you. Wells Fargo offers more than 13,000 ATMs and approximately 5,200 retail banking branches coast to coast.' At the bottom, there are three columns of links: 'Need Assistance? Locator Help', 'Find a location for a specific Wells Fargo service' (with links for Mortgage Branch Locations, Wells Fargo Advisors Locations, Checking Accounts, Mortgage, Credit Cards, Personal Loans), and 'Checking & much more' (with a 'Get Started' button).

8. Upon information and belief, Defendant manages the marketing, sales, and provision of services of its products to customers and/or potential customers located in Texas and in the Eastern District of Texas.

9. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because, among other things, Defendant has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of

¹ <https://www.wellsfargo.com/locator/>

Texas.

PATENTS-IN-SUIT

10. On July 20, 2010, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,761,371 (the “’371 Patent”) entitled “Analyzing a Credit Counseling Agency.” A true and correct copy of the ’371 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=07761371>.

11. On November 2, 2010, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,827,097 (the “’097 Patent”) entitled “System for Transferring an Inbound Communication to One of a Plurality of Credit-Counseling Agencies.” A true and correct copy of the ’097 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=07827097>.

12. On June 26, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,209,257 (the “’257 Patent”) entitled “System for Transferring an Inbound Communication to One of a Plurality of Credit-Counseling Agencies.” A true and correct copy of the ’257 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=08209257>.

13. On May 13, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,725,630 (the “’630 Patent”) entitled “Method of Processing a Phone Call.” A true and correct copy of the ’630 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=08725630>.

14. On April 17, 2018, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,948,771 (the “’771 Patent”) entitled “Using an Interactive Voice Response Apparatus.” A true and correct copy of the ’771 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=09948771>.

15. On March 12, 2019, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 10,230,840 (the “’840 Patent”) entitled “Method of Using an Apparatus Processing Phone Call Routing.” A true and correct copy of the ’840 Patent is available at: <https://pdfpiw.uspto.gov/.piw?Docid=10230840>.

16. Peregrin is the sole and exclusive owner of all right, title, and interest to and in the ’371, ’097, ’257, ’630, ’771, and ’840 Patents (collectively, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Peregrin also has the right to recover all damages for past infringement of the Patents-in-Suit as appropriate under the law.

17. Peregrin has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

FACTUAL ALLEGATIONS

18. The Patents-in-Suit generally cover systems and methods for aspects of call referral services. The inventions described in the Patents-in-Suit were developed by Michael Dennis Morency, the President and CEO of Peregrin, and William John Delinsky, Timothy James Fish, and David Gary Walker. For example, this technology is implemented in interactive voice response (“IVR”) systems for referring calls to financial assistance providers, and in particular, credit counseling agencies. Infringing products include IVR systems for referring calls to financial assistance providers and credit counseling agencies including, but not limited to, the credit counseling services provided by Defendant or other entities contractually acting on Defendant’s behalf (the “Accused Products”).

19. Defendant has infringed the Patents-in-Suit by making, using, selling, offering to sell, and/or importing IVR systems that infringe the Patents-in-Suit.

COUNT I
(Infringement of the '371 Patent)

20. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

21. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '371 Patent.

22. Defendant has directly infringed the claims of the '371 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '371 Patent. Such products include but are not limited to IVR systems and methods used by Defendant. On information and belief, infringing products include the systems and methods provided by Defendant through dialing "1-877-285-2108."²

² <https://www.wellsfargo.com/credit-cards/statement/>

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WELLS FARGO
VISA Account Number
 Statement Billing Period
 Page 1 of 2

Ending in 9012
 12/02/2009 to 01/04/2010

WELLS FARGO

2 Balance Summary

Previous Balance	\$2088.38
Payments	\$135.00
Purchases & Other Charges	\$170.41
Fees Charged	50
Interest Charged	\$65.51
New Balance	\$2123.77

3

24-Hour Customer Service: 1-800-642-4720
 TDD for Hearing/Speech Impaired: 1-800-419-2265
 Outside the US Call Collect: 1-925-825-7600
 Wells Fargo Online®: wellsfargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50306-0347

5 Payment Information

New Balance	\$2,123.77
Minimum Payment	\$40.00
Payment Due Date	01/29/2010

4

Total Credit Limit: \$7,000.00
 Total Available Credit: \$4,876.23

Send Payments To:
 WELLS FARGO CARD SERVICES
 PO BOX 30086
 LOS ANGELES CA 90030-0086 **6**

7 **Late Payment Warning:** If we do not receive your Minimum Payment by 01/29/2010, you may have to pay a late fee up to \$35.
Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

8 If you make no additional charges using this card and each month you pay...	You will pay off the New Balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	5 years	\$5,363
\$150	3 years	\$4,236 (savings of \$1,147)

9 If you would like information about credit counseling services, refer to www.usdoj.gov/ust/leo/bapcpa/code/cc_approved.htm or call 1-877-285-2108.

10 **Important Information**

PAYMENT OF AMOUNT IN DISPUTE \$276.53 NOT REQUIRED

A guide to reading your statement and understanding key credit terms:

1. **Account Overview**
Includes general account information and the dates your bill covers.
2. **Balance Summary**
Quickly see your month's activity, including any fees or interest, and new balance.
3. **Need Help**
We're available to answer your call 24/7. If you prefer to write, there is a mailing address.
4. **Available Credit**
Shows the available credit on your account
5. **Payment Information**
View your new balance, minimum payment due, any amount past due or over your credit line, and your payment due date.
6. **Payment Address**
This area lists the address to use when mailing your payments.
7. **Late Payment Warning**
This area explains what may happen if you don't pay on time.
8. **Minimum Payment Information**
Shows how long it will take to pay off your balance if you make only the minimum payment due each month.
9. **Credit Counseling**
Contact information for credit counseling services.
10. **Important Information**
Changes to your account or informational messages will be printed here.


23. For example, Defendant has directly infringed at least claim 1 of the '371 Patent by performing a method of using an IVR system in analyzing a credit counseling agency in the United States.³

³ <https://www.wellsfargo.com/financial-education/basic-finances/financial-challenges/lower-debt/credit-counseling/>

How credit counseling can help

Learn how credit counseling can help you take control of your finances.

If your bills are beginning to stack up, you might benefit from someone who can help you navigate the situation. Talking to a credit counselor is one option that can help.



Credit counselors can help you analyze your finances and help find ways to improve your situation. Credit counseling organizations, such as members of the [National Foundation for Credit Counseling](#), offer free or low-cost services for people who are struggling financially.

A credit counselor can take a look at your income and spending, and help you determine where your money is spent each month. By taking a closer look at your finances they can identify opportunities to cut costs and save more of what you earn. To help you [create a monthly budget](#), they can work with you to categorize and set limits for all of your expenses. Then, most importantly, they can help you to create an action plan to help you stick to the budget you've built together.

“Credit counselors can help you analyze your finances and help find ways to improve your situation.”

If you're struggling with debt, a credit counselor can help you calculate how much you owe, determine how much you're paying in interest, and find out where you stand with your creditors. If it seems like your monthly payments are getting too high, they may be able to enroll you in a debt management plan or recommend a [debt consolidation](#) service. Both of these options may allow you to combine your debt into one lower monthly payment. In addition, they can provide tips about how to manage your credit in the future.

Tip A credit counselor can help you determine where you stand with your creditors.

Managing your finances and dealing with debt can be difficult, but you don't have to go it alone. Credit counselors can help you navigate the process – and come out stronger on the other side.

Related topics: [Basic Finances](#), [Dealing with Financial Challenges](#)

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[Evaluating your financial situation](#)

[Can debt consolidation work for you?](#)

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For a complimentary savings or credit conversation and a personalized plan, call **1-877-924-8692**.

Mon-Fri: 7am-8pm
Sat: 7am-4pm,

24. Upon information and belief, Defendant performed a method of automatically capturing with an automatic communication system which comprises a computer, respective call data corresponding to inbound communications, where the call from a debtor is associated with a creditor by the computer system. Upon information and belief, when a caller dials the number, “1-877-285-2108,” the caller is directed to the automatic communication system.

25. Upon information and belief, Defendant performed a method which automatically captures the call data to produce a report which analyzes the credit counseling agency. Upon information and belief, the automatic communication system states: “If you are looking for help with your debt repayment, you have come to the right place.” Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller. Upon information and belief, the automatic communication system provides at least three credit

counseling agencies to the caller including, but not limited to, Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

26. Because of Defendant's infringement of the '371 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT II
(Infringement of the '097 Patent)

27. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

28. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '097 Patent.

29. Defendant has directly infringed the '097 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of claim 57 of the '097 Patent. Such products include but are not limited to IVR systems and methods used by Defendant. On information and belief, infringing products include the systems and methods provided by Defendant through dialing "1-877-285-2108."⁴

⁴ <https://www.wellsfargo.com/credit-cards/statement/>

WELLS FARGO
VISA

Account Number
Statement Billing Period
Page 1 of 2

Ending in 9012
12/02/2009 to 01/04/2010

WELLS FARGO

2 Balance Summary

Previous Balance	\$2088.38
Payments	\$135.00
Purchases & Other Charges	\$170.41
Fees Charged	\$0
Interest Charged	\$65.51
New Balance	\$2123.77

3

24-Hour Customer Service: 1-800-642-4720
 TDD for Hearing/Speech Impaired: 1-800-419-2265
 Outside the US Call Collect: 1-925-825-7600
 Wells Fargo Online®: wells Fargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50306-0347

5 Payment Information

New Balance	\$2,123.77
Minimum Payment	\$40.00
Payment Due Date	01/29/2010

4

Send Payments To:
 WELLS FARGO CARD SERVICES
 PO BOX 30086
 LOS ANGELES CA 90030-0086

6

7 **Late Payment Warning:** If we do not receive your Minimum Payment by 01/29/2010, you may have to pay a late fee up to \$35.
Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

8 If you make no additional charges using this card and each month you pay...	You will pay off the New Balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	5 years	\$5,363
\$150	3 years	\$4,236 (savings of \$1,147)

9 If you would like information about credit counseling services, refer to www.usdoj.gov/ust/leo/bapcpa/code/cc_approved.htm or call 1-877-285-2108.

10 **Important Information**

PAYMENT OF AMOUNT IN DISPUTE \$276.53 NOT REQUIRED

A guide to reading your statement and understanding key credit terms:

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Includes general account information and the dates your bill covers.

2. Balance Summary

Quickly see your month's activity, including any fees or interest, and new balance.

3. Need Help

We're available to answer your call 24/7. If you prefer to write, there is a mailing address.

4. Available Credit

Shows the available credit on your account

5. Payment Information

View your new balance, minimum payment due, any amount past due or over your credit line, and your payment due date.

6. Payment Address

This area lists the address to use when mailing your payments.

7. Late Payment Warning

This area explains what may happen if you don't pay on time.

8. Minimum Payment Information

Shows how long it will take to pay off your balance if you make only the minimum payment due each month.

9. Credit Counseling

Contact information for credit counseling services.

10. Important Information

Changes to your account or informational messages will be printed here.

30. For example, Defendant has directly infringed at least claim 57 of the '097 Patent by performing a method of using a computer system to refer a telephone communication to one of a plurality of credit counseling agencies based on creditor criteria.

31. Upon information and belief, Defendant performs a method of providing a digital computer having a processor, the processor connected to store and receive signals at a memory device, to receive input signals corresponding to input information from an input device, and to convert output signals into output information at an output device.

32. Upon information and belief, Defendant performs a method of programming the processor to produce the output signals in storing telephone numbers for a plurality of credit-counseling agencies in memory accessible by said digital computer, to store creditor criteria for selecting at least one of the credit-counseling agencies, to identify a debtor of the creditor in

response to a telephone communication, and to select at least one of the credit-counseling agencies by accessing the creditor criteria, applying the creditor criteria, and accessing at least one of the stored telephone numbers so as to connect the debtor to an accessed one of the stored telephone numbers on an outbound communication path. Upon information and belief, the automatic communication system states: “If you are looking for help with your debt repayment, you have come to the right place.” Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller. Upon information and belief, the computer system identifies at least three credit counseling agencies to the caller including, but not limited to, Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

33. Because of Defendant’s infringement of the ’097 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT III
(Infringement of the ’257 Patent)

34. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

35. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the ’257 Patent.

36. Defendant has directly infringed the ’257 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the ’257 Patent. For example, Defendant has directly infringed at least claims 1, 2, 5-11, and 14-19 of the ’257 Patent by making, using offering to sell, selling, and/or importing into the United States a method of using an IVR system in analyzing a credit

counseling agency. On information and belief, infringing products include the systems and methods provided by Defendant through dialing “1-877-285-2108.”⁵

1 WELLS FARGO

2 **VISA** Account Number Ending in 9012
Statement Billing Period 12/02/2009 to 01/04/2010
Page 1 of 2

3 WELLS FARGO

2 **Balance Summary**

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Send General Inquiries To:
PO Box 10347, Des Moines IA, 50306-0347

Total Credit Limit \$7,000.00 Total Available Credit **4** \$4,876.23

5 **Payment Information**

New Balance	\$2,123.77	Send Payments To:	WELLS FARGO CARD SERVICES
Minimum Payment	\$40.00		PO BOX 30086
Payment Due Date	01/29/2010		LOS ANGELES CA 90030-0086 6

7 **Late Payment Warning:** If we do not receive your Minimum Payment by 01/29/2010, you may have to pay a late fee up to \$35.
Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

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If you make no additional charges using this card and each month you pay...	You will pay off the New Balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	5 years	\$5,383
\$150	3 years	\$4,236 (savings of \$1,147)

9 If you would like information about credit counseling services, refer to www.usdoj.gov/ust/eo/bapcpa/code/cc_approved.htm or call **1-877-285-2108**.

10 **Important Information** PAYMENT OF AMOUNT IN DISPUTE \$276.53 NOT REQUIRED

⁵ <https://www.wellsfargo.com/credit-cards/statement/>; <https://www.wellsfargo.com/financial-education/basic-finances/financial-challenges/lower-debt/credit-counseling/#:~:text=For%20a%20complimentary%20savings%20or,%2D877%2D924%2D8692>

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We're available to answer your call 24/7. If you prefer to write, there is a mailing address.
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Shows the available credit on your account
5. **Payment Information**
View your new balance, minimum payment due, any amount past due or over your credit line, and your payment due date.
6. **Payment Address**
This area lists the address to use when mailing your payments.
7. **Late Payment Warning**
This area explains what may happen if you don't pay on time.
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9. **Credit Counseling**
Contact information for credit counseling services.
10. **Important Information**
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How credit counseling can help

Learn how credit counseling can help you take control of your finances.

If your bills are beginning to stack up, you might benefit from someone who can help you navigate the situation. Talking to a credit counselor is one option that can help.



Credit counselors can help you analyze your finances and help find ways to improve your situation. Credit counseling organizations, such as members of the [National Foundation for Credit Counseling](#), offer free or low-cost services for people who are struggling financially.

A credit counselor can take a look at your income and spending, and help you determine where your money is spent each month. By taking a closer look at your finances they can identify opportunities to cut costs and save more of what you

earn. To help you [create a monthly budget](#), they can work with you to categorize and set limits for all of your expenses. Then, most importantly, they can help you to create an action plan to help you stick to the budget you've built together.

“Credit counselors can help you analyze your finances and help find ways to improve your situation.”

If you're struggling with debt, a credit counselor can help you calculate how much you owe, determine how much you're paying in interest, and find out where you stand with your creditors. If it seems like your monthly payments are getting too high, they may be able to enroll you in a debt management plan or recommend a [debt consolidation](#) service. Both of these options may allow you to combine your debt into one lower monthly payment. In addition, they can provide tips about how to manage your credit in the future.

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Managing your finances and dealing with debt can be difficult, but you don't have to go it alone. Credit counselors can help you navigate the process – and come out stronger on the other side.

Related topics: [Basic Finances](#), [Dealing with Financial Challenges](#)

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[Can debt consolidation work for you?](#)

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Call us 24 hours a day at **1-800-869-3557** (marque 9 para recibir atención en español)

For a complimentary savings or credit conversation and a personalized plan, call **1-877-924-8692**.

Mon-Fri: 7am-8pm
Sat: 7am-4pm,

37. For example, Defendant has directly infringed at least claim 1 of the '257 patent by performing a method of using a communication referral system to provide a referral for a credit counseling agency to a user.

38. Upon information and belief, Defendant performs a method which receives, by a communication referral system comprising a computer, an inbound communication from the user. Upon information and belief, upon dialing the number "1-877-285-2108," the caller is connected to the communication referral system which states: "If you are looking for help with your debt repayment, you have come to the right place."

39. Upon information and belief, Defendant performs a method which receives an inbound communication from the user and receiving by the communication referral system, user information. Upon information and belief, the caller is instructed to enter their five-digit zip code.

40. Upon information and belief, the Defendant performs a method which based, at least in part, on the received user information, querying by the system, a memory in applying referral criteria to identify at least one credit-counseling agency. Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller.

41. Upon information and belief, the Defendant performs a method which provides, by the communication referral system, a referral for the user to communicate with said at least one of the identified financial assistance providers. Upon information and belief, the communication referral system identifies at least three credit counseling agencies for the caller including, but not limited to, Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

42. Because of Defendant's infringement of the '257 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT IV
(Infringement of the '630 Patent)

43. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

44. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '630 Patent.

45. Defendant has directly infringed the '630 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '630 Patent. For example, Defendant has directly infringed at least claims 1, 2, 5-13, 14-21, 23-27, 36-39, and 41 of the '630 Patent by making, using offering to sell, selling, and/or importing into the United States a method of using an IVR system in analyzing a credit counseling agency. On information and belief, infringing products include the systems and methods provided by Defendant through dialing "1-877-285-2108."⁶

⁶ <https://www.wellsfargo.com/credit-cards/statement/>; <https://www.wellsfargo.com/financial-education/basic-finances/financial-challenges/lower-debt/credit-counseling/#:~:text=For%20a%20complimentary%20savings%20or,%2D877%2D924%2D8692>

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VISA Account Number Ending in 9012
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3 24-Hour Customer Service: 1-800-642-4720
 TDD for Hearing/Speech Impaired: 1-800-419-2265
 Outside the US Call Collect: 1-925-825-7600
 Wells Fargo Online®: wells Fargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50306-0347

Total Credit Limit \$7,000.00 Total Available Credit **4** \$4,876.23

5 Payment Information

New Balance	\$2,123.77
Minimum Payment	\$40.00
Payment Due Date	01/29/2010

Send Payments To:
 WELLS FARGO CARD SERVICES
 PO BOX 30086 **6**
 LOS ANGELES CA 90030-0086

7 Late Payment Warning: If we do not receive your Minimum Payment by 01/29/2010, you may have to pay a late fee up to \$35.
 Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

8 If you make no additional charges using this card and each month you pay...	You will pay off the New Balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	5 years	\$5,383
\$150	3 years	\$4,236 (savings of \$1,147)

9 If you would like information about credit counseling services, refer to www.usdoj.gov/ust/ea/bapcpa/code/cc_approved.htm or call 1-877-285-2108.

10 Important Information PAYMENT OF AMOUNT IN DISPUTE \$276.53 NOT REQUIRED


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1. **Account Overview**
Includes general account information and the dates your bill covers.
2. **Balance Summary**
Quickly see your month's activity, including any fees or interest, and new balance.
3. **Need Help**
We're available to answer your call 24/7. If you prefer to write, there is a mailing address.
4. **Available Credit**
Shows the available credit on your account
5. **Payment Information**
View your new balance, minimum payment due, any amount past due or over your credit line, and your payment due date.
6. **Payment Address**
This area lists the address to use when mailing your payments.
7. **Late Payment Warning**
This area explains what may happen if you don't pay on time.
8. **Minimum Payment Information**
Shows how long it will take to pay off your balance if you make only the minimum payment due each month.
9. **Credit Counseling**
Contact information for credit counseling services.
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A credit counselor can take a look at your income and spending, and help you determine where your money is spent each month. By taking a closer look at your finances they can identify opportunities to cut costs and save more of what you earn. To help you [create a monthly budget](#), they can work with you to categorize and set limits for all of your expenses. Then, most importantly, they can help you to create an action plan to help you stick to the budget you've built together.

“Credit counselors can help you analyze your finances and help find ways to improve your situation.”

If you're struggling with debt, a credit counselor can help you calculate how much you owe, determine how much you're paying in interest, and find out where you stand with your creditors. If it seems like your monthly payments are getting too high, they may be able to enroll you in a debt management plan or recommend a [debt consolidation](#) service. Both of these options may allow you to combine your debt into one lower monthly payment. In addition, they can provide tips about how to manage your credit in the future.

Tip

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Related topics: [Basic Finance](#) [Dealing with Financial Challenges](#)

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For a complimentary savings or credit conversation and a personalized plan, call **1-877-924-8692**.

Mon-Fri: 7am-8pm
Sat: 7am-4pm.

46. For example, Defendant has directly infringed at least claim 36 of the '630 Patent by performing a method processing a phone call.

47. Upon information and belief, Defendant performs a method which from a trunk interface, receiving an inbound communication from which a number is detected, the number is indicative of a location of a caller. Upon information and belief, the caller calls a telephone number provided by Defendant, "1-877-285-2108." Upon information and belief, Defendant's communication system, including the trunk interface, detects a number including the zip code or area code of the inbound communication, indicative of the location of the caller.

48. Upon information and belief, the Defendant performs a method which, by a digital electric computer system comprising a memory storing phone numbers for a plurality of credit counseling services, querying the memory by using the detected number to select at least three phone numbers for credit counseling services associated with the location of the caller and

outputting a sequence of the phone numbers automatically selected for the credit counseling services associated with the location of the caller. Upon information and belief, the automatic communication system states: “If you are looking for help with your debt repayment, you have come to the right place.” Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller. Upon information and belief, when the caller selects “2,” the digital electric computer system identifies at least three credit counseling agencies including, but not limited to, Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

49. Because of Defendant’s infringement of the ’630 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT V
(Infringement of the ’771 Patent)

50. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

51. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the ’771 Patent.

52. Defendant has directly infringed the ’771 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the ’771 Patent. For example, Defendant has directly infringed at least claim 1 of the ’771 Patent by making, using offering to sell, selling, and/or importing into the United States a method of using an IVR system in analyzing a credit counseling agency. On information and belief, infringing products include the systems and methods provided by

Defendant through dialing “1-877-285-2108.”⁷

1 WELLS FARGO
VISA Account Number Ending in 9012
 Statement Billing Period 12/02/2009 to 01/04/2010
 Page 1 of 2

2 **Balance Summary**

Previous Balance	\$2088.36
Payments	\$135.00
Purchases & Other Charges	\$170.41
Fees Charged	\$0
Interest Charged	\$65.51
New Balance	\$2123.77

3 24-Hour Customer Service: 1-800-642-4720
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Total Credit Limit \$7,000.00 Total Available Credit **4** \$4,876.23

5 **Payment Information**

New Balance	\$2,123.77	Send Payments To:
Minimum Payment	\$40.00	WELLS FARGO CARD SERVICES
Payment Due Date	01/29/2010	PO BOX 30086 6
		LOS ANGELES CA 90030-0086

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Only the minimum payment	5 years	\$5,383
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10 **Important Information**
 PAYMENT OF AMOUNT IN DISPUTE \$276.53 NOT REQUIRED

⁷ <https://www.wellsfargo.com/credit-cards/statement/>; <https://www.wellsfargo.com/financial-education/basic-finances/financial-challenges/lower-debt/credit-counseling/#:~:text=For%20a%20complimentary%20savings%20or,%2D877%2D924%2D8692>

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5. **Payment Information**
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6. **Payment Address**
This area lists the address to use when mailing your payments.
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Mon-Fri: 7am-8pm
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53. For example, Defendant has directly infringed at least claim 1 of the '771 Patent by performing a method of using an interactive voice response system.

54. Upon information and belief, Defendant performs a method which, from a trunk interface, receives an inbound communication from a caller, the inbound communication received at the interactive voice response apparatus. Upon information and belief, Defendant provides a telephone number, "1-877-285-2108," which connects the caller to the interactive voice response system.

55. Upon information and belief, Defendant performs a method implemented by an interactive voice response apparatus, which receives a number associated with the inbound communication, the number indicative of a location of the caller. Upon information and belief, a caller enters their five-digit zip code, the number indicative of the location of the caller. Upon information and belief, alternatively, the interactive voice apparatus receives a number including the area code associated with the inbound communication, indicative of the location of the caller.

56. Upon information and belief, the Defendant performs a method which plays at least one interactive voice response by the interactive voice response apparatus, a recorded message to the caller. Upon information and belief, the interactive voice response system states: "If you are looking for help with your debt repayment, you have come to the right place."

57. Upon information and belief, Defendant performs a method which queries a memory containing call referral data for each of a plurality of services, using the number to obtain a phone number for one of the services associated with the location of the caller, the querying carried out by the interactive voice response apparatus. Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller. Upon

information and belief, the interactive voice response apparatus identifies at least three credit counseling agencies including, but not limited to, Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

58. Upon information and belief, Defendant performs a method which connects, by the interactive voice response apparatus, the inbound communication to an outbound communication line to connect the caller with the phone number for one of the services associated with the location of the caller.

59. Because of Defendant's infringement of the '771 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT VI
(Infringement of the '840 Patent)

60. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

61. Peregrin has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '840 Patent.

62. Defendant has directly infringed the '840 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '840 Patent. For example, Defendant has directly infringed at least claim 1 of the '840 Patent by making, using offering to sell, selling, and/or importing into the United States a method of using an IVR system in analyzing a credit counseling agency. On information and belief, infringing products include the systems and methods provided by

Defendant through dialing “1-877-285-2108.”⁸

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⁸ <https://www.wellsfargo.com/credit-cards/statement/>; <https://www.wellsfargo.com/financial-education/basic-finance/financial-challenges/lower-debt/credit-counseling/#:~:text=For%20a%20complimentary%20savings%20or,%2D877%2D924%2D8692>

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Mon-Fri: 7am-8pm
Sat: 7am-4pm,

63. For example, Defendant has directly infringed at least claim 1 of the '840 Patent by performing a method for each of a plurality of phone calls.

64. Upon information and belief, Defendant performs a method including receiving an inbound phone call from a caller, the inbound phone call received from a trunk interface at an apparatus. Defendant provides a telephone number, "1-877-285-2108," which, when called, the Defendant receives, from a trunk interface at an apparatus, the inbound phone call from the caller.

65. Defendant performs a method which provides, by the apparatus, interactive voice responsiveness that includes playing a recorded message to the caller. The apparatus plays a recorded message to the caller including: "If you are looking for help with your debt repayment, you have come to the right place.

66. Defendant performs a method including receiving, at the apparatus, a number associated with the phone call, the number indicative of a location of the caller. Upon information and belief, a caller enters their five-digit zip code, the number indicative of the location of the caller. Upon information and belief, alternatively, the interactive voice apparatus receives a number including the area code associated with the inbound communication, indicative of the location of the caller.

67. Upon information and belief, the Defendant performs a method which applies, by the apparatus, the number indicative of the caller location in a query to a memory to obtain data indicative of a service location for at least one of a plurality of services. Upon information and belief, when a caller enters their five-digit zip code, the automatic communication system offers to connect the caller with a credit counseling agency selected based on the zip code entered by the caller. Upon information and belief, the interactive voice response apparatus identifies at least three credit counseling agencies including, but not limited to, Money Management International,

Greenpath Financial Wellness, and Consumer Education Services, Inc.

68. Upon information and belief, the Defendant performs a method by the apparatus which routes the inbound phone call to one of the plurality of services, responsive at least in part to the number indicative of the location of the caller and data indicative of the service location. The apparatus of Defendant routes the caller to one of Money Management International, Greenpath Financial Wellness, and Consumer Education Services, Inc.

69. Because of Defendant's infringement of the '840 Patent, Peregrin has suffered damages in an amount to be proved at trial.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Peregrin prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant infringes one or more claims of each of the Patents-in-Suit;
- b. An order awarding damages sufficient to compensate Peregrin for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with pre-judgment and post-judgment interest and costs;
- c. Enhanced damages pursuant to 35 U.S.C. § 284;
- d. Entry of judgment declaring that this case is exceptional and awarding Peregrin its costs and reasonable attorney fees under 35 U.S.C. § 285;
- e. An accounting for acts of infringement;
- f. Such other equitable relief which may be requested and to which Plaintiff is entitled; and

g. Such other and further relief as the Court deems just and proper.

Dated: July 15, 2021

Respectfully submitted,

/s/ Alfred R. Fabricant

Alfred R. Fabricant

NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos

NY Bar No. 2894392

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Vincent J. Rubino, III

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FABRICANT LLP

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Telephone: (212) 257-5797

Facsimile: (212) 257-5796

Justin Kurt Truelove

Texas State Bar No. 24013653

Email: kurt@truelovelawfirm.com

TRUELOVE LAW FIRM, PLLC

100 West Houston Street

Marshall, Texas 75670

Telephone: (903) 938-8321

Facsimile: (903) 215-8510

ATTORNEYS FOR PLAINTIFF

PEREGRIN LICENSING LLC