

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

PEREGRIN LICENSING LLC,

Plaintiff,

v.

DISCOVER FINANCIAL SERVICES,

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 Discover Financial Services (“Discover” 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, Discover is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 2500 Lake Cook Road, Riverwoods, Illinois 60015. 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 and/or has induced acts of patent infringement by others in this District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

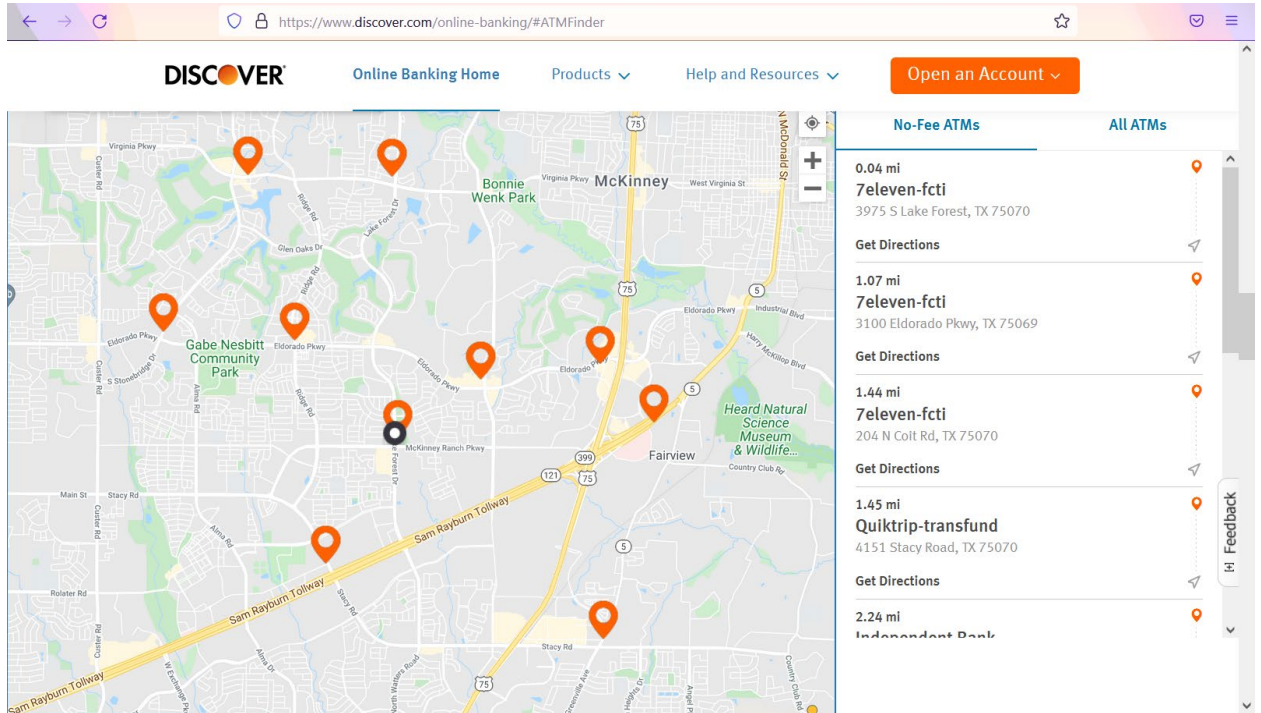
5. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (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 is registered to do business in Texas with the Secretary of State. The Texas Business Organizations Code (Bus. Org. § 9.001) requires all entities formed outside of the State of Texas to complete such registration in order to "transact business" in Texas. Upon information and belief, Defendant is registered as a taxable entity with the Texas Comptroller of Public Accounts in connection with its marketing, banking, credit and mortgage services.

7. Upon information and belief, Defendant maintains physical places of business throughout the United States, including in this Judicial District, including but not limited to: 1500

North Central Expressway, McKinney, Texas 75070; 1700 South McDonald, McKinney, Texas 75069; 5020 West Virginia Parkway, McKinney, Texas 75071; 400 North Carroll Boulevard, Denton, Texas 76201; and 1415 West Oak Street, Denton, Texas 76201.

8. Upon information and belief, Defendant directs customers in this Judicial District to its places of business listed in paragraph 7 above through its website's ATM Locator¹:



9. Upon information and belief, Defendant provides its products and services through the ATMs it operates and manages in this Judicial District.

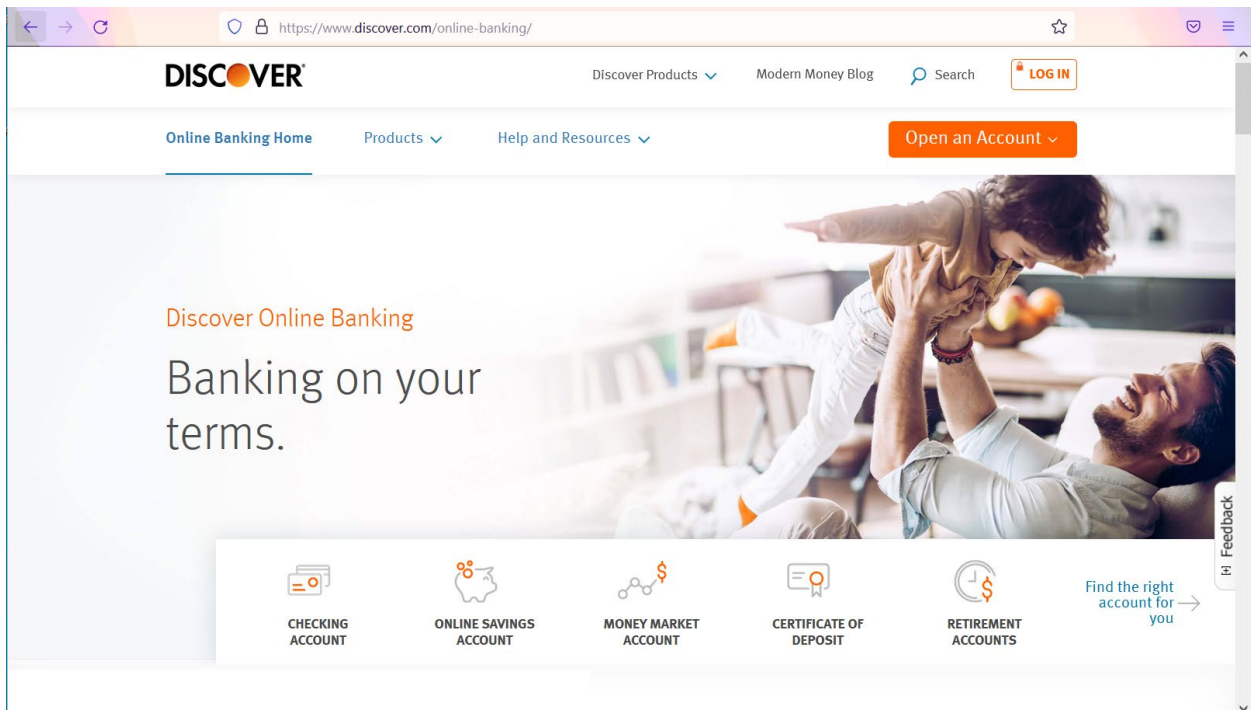
10. Upon information and belief, Defendant's employees work with ATMs and ATM operators in this Judicial District on issues related to technical training and the service of ATMs. Upon information and belief, Defendant reimburses these employees for travel and personal expenses related to their job responsibilities.

¹ <https://www.discover.com/online-banking/#ATMFinder>

11. Upon information and belief, the ATM operators located within the Eastern District of Texas have executed Agreements with Defendant. Upon information and belief, the Agreements set forth standards and requirements enumerated by Defendant that ATM operators are required to comply with.

12. Upon information and belief, Defendant regularly, continuously, and systematically provides support to and control over the ATMs and ATM operators located in this Judicial District.

13. 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, its online banking system, and its mobile Discover App:²



² <https://www.discover.com/online-banking/>; <https://www.discover.com/online-banking/banking-features/mobile-app/>



[Online Banking Home](#)

[Products](#) ▾

[Help and Resources](#) ▾

[Open an Account](#) ▾

Features to fit your lifestyle



Mobile Check Deposit

Deposit checks anytime, anywhere. Simply snap a photo, upload it and your check will be deposited. ⓘ

ATM Finder

Find an ATM and withdraw cash whenever you need it. With over 60,000 no-fee ATMs in the U.S., you're never far from your money.

Online Bill Pay

Consolidate your bills into a single, easy to manage and secure hub and set up automatic payments to help ensure you pay them on time, every time.

Secure, convenient account management



Count on fast, secure access

Log into your account easily using Touch/Face ID or a 4-digit passcode, or use Quick View to securely check your account balance without logging in. ⓘ



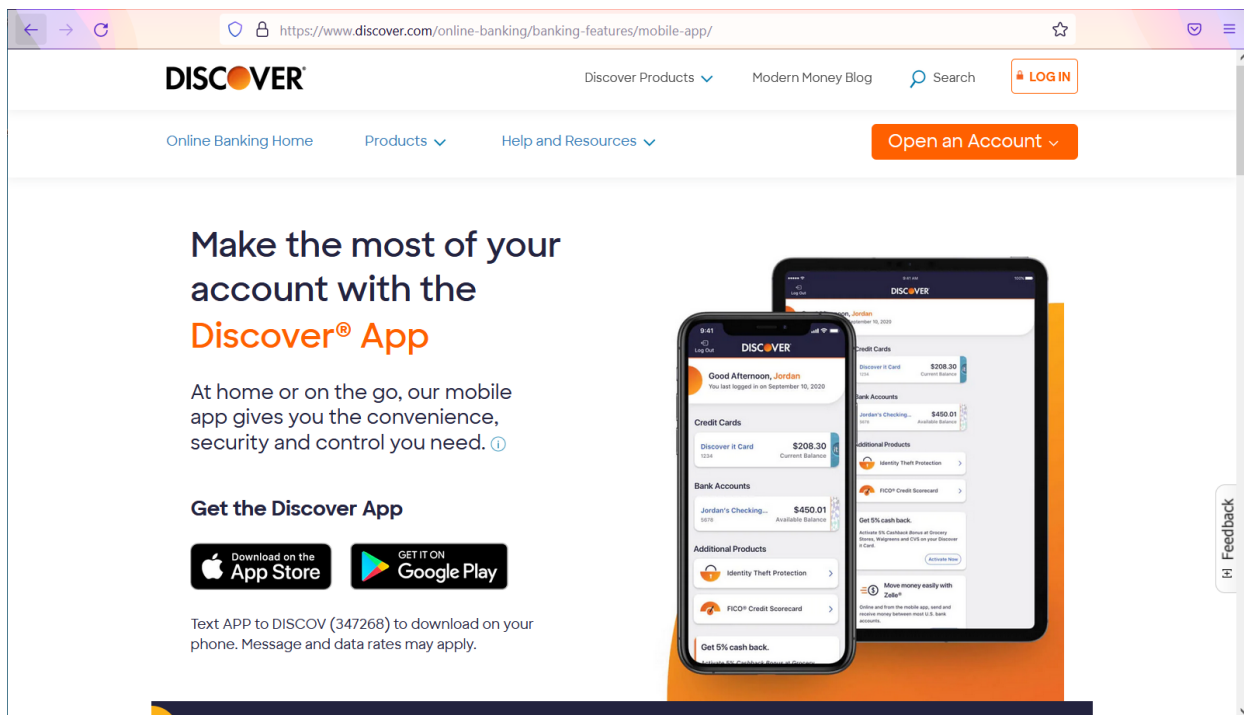
Move your money with ease

Transfer money between your bank accounts seamlessly—no matter if they're a Discover account or an external personal account. ⓘ



Send money with Zelle®

Zelle is a quick and simple way to get money directly to and from friends and family with U.S. bank accounts. It's easy to set up and free to use with the Discover app. ⓘ



14. 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.

15. Upon information and belief, Defendant regularly engages in marketing activities that promote the sale of Discover products to customers and/or potential customers located in Texas and in this Judicial District. Upon information and belief, Defendant maintains interactive commercial websites, accessible to residents of the State of Texas and this Judicial District, through which Defendant promotes its products that infringe the Patents-in-Suit. Upon information and belief, these interactive commercial websites direct customers as to where to find accused products and services. Defendant's interactive commercial websites allow a customer to see available products and services and ATM locations in this Judicial District. Upon information and belief, Defendant attempts to sell its products and services within this Judicial District by causing advertisements for its products and services to appear on television and radio programs

broadcast into the District in local newspapers distributed within this Judicial District, and in personal mail distributed within this Judicial District.

16. 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 Texas.

PATENTS-IN-SUIT

17. 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>.

18. 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>.

19. 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>.

20. 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>.

21. 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>.

22. Peregrin is the sole and exclusive owner of all right, title, and interest to and in the ’371, ’097, ’257, ’630, 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.

23. 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

24. The Patents-in-Suit generally cover systems and methods for aspects of call referral services. The invention described in the Patents-in-Suit was 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”).

25. 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.

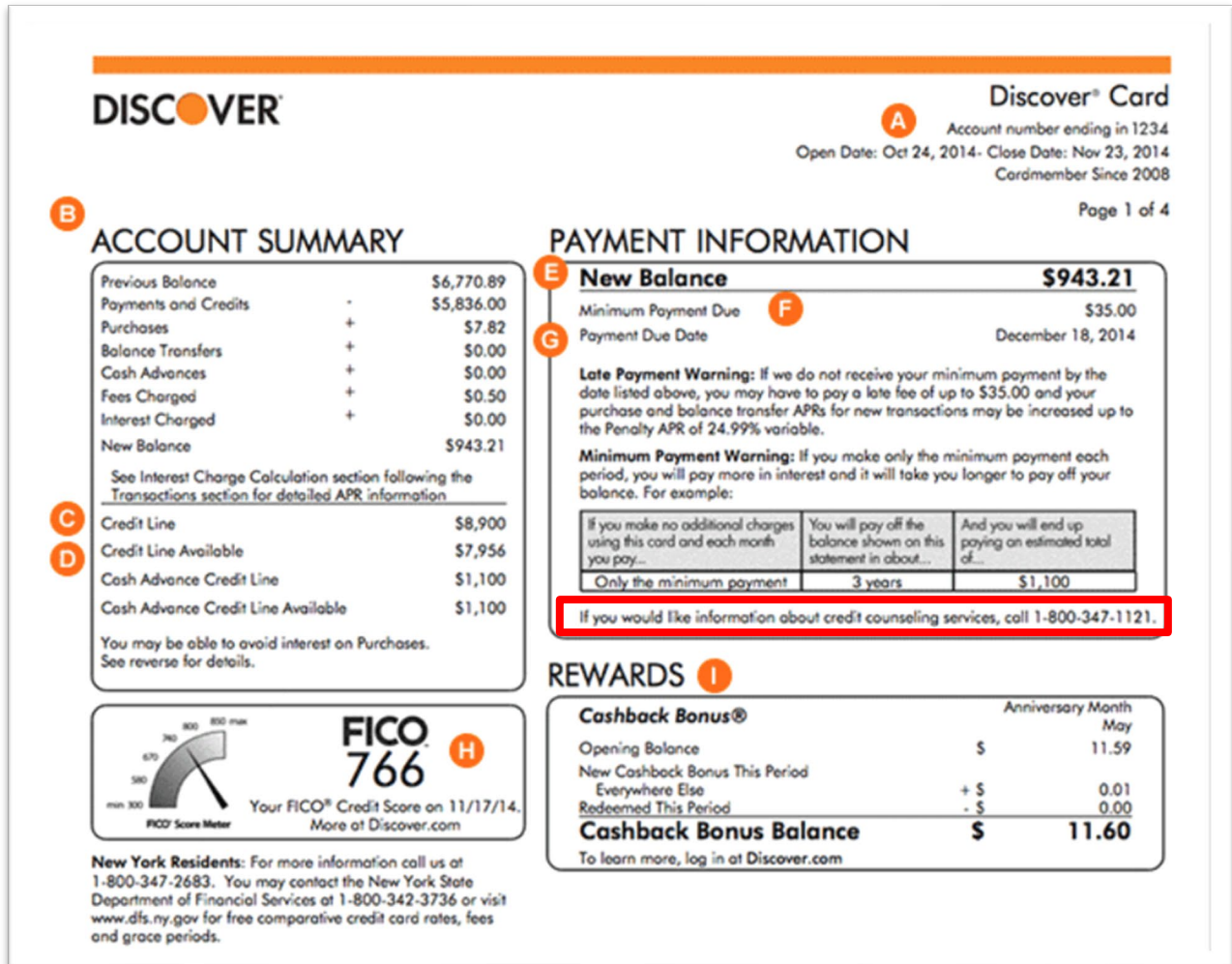
COUNT I
(Infringement of the '371 Patent)

26. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

27. 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.

28. 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 "1-800-347-1121."³

³ <https://www.discover.com/credit-cards/resources/how-to-read-a-credit-card-statement/>



29. 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.

30. 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, "1-800-347-1121," the caller is directed to the automatic communication system.

31. 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: “Thank you for calling the Discover credit counselor hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information on up to three recommended credit counselors, press one.” When the caller presses one, the automatic communication system states: “Using the keys on your phone, please enter your billing or home zip code now, followed by the pound key.” When a caller enters their five-digit zip code and presses pound, the automatic communication system asks if the zip code is correct, and if so, asks the caller to press one. When the caller confirms the zip code entered is correct by pressing one, the automatic communication system states “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.” The automatic communication system provides at least three credit counseling agencies to the caller including, but not limited to, Money Management International, Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

32. 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)

33. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

34. 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.

35. 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 "1-800-347-1121."⁴

⁴ <https://www.discover.com/credit-cards/resources/how-to-read-a-credit-card-statement/>



Discover® Card

Account number ending in 1234
 Open Date: Oct 24, 2014 · Close Date: Nov 23, 2014
 Cardmember Since 2008

Page 1 of 4

B ACCOUNT SUMMARY

Previous Balance	\$6,770.89
Payments and Credits	-\$5,836.00
Purchases	+\$7.82
Balance Transfers	+\$0.00
Cash Advances	+\$0.00
Fees Charged	+\$0.50
Interest Charged	+\$0.00
New Balance	\$943.21

See Interest Charge Calculation section following the Transactions section for detailed APR information.

Credit Line	\$8,900
Credit Line Available	\$7,956
Cash Advance Credit Line	\$1,100
Cash Advance Credit Line Available	\$1,100

You may be able to avoid interest on Purchases. See reverse for details.

E PAYMENT INFORMATION

New Balance	\$943.21
Minimum Payment Due	\$35.00
Payment Due Date	December 18, 2014

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35.00 and your purchase and balance transfer APRs for new transactions may be increased up to the Penalty APR of 24.99% variable.


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:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	3 years	\$1,100

If you would like information about credit counseling services, call 1-800-347-1121.

C FICO® 766 **H**

Your FICO® Credit Score on 11/17/14.
More at Discover.com



I REWARDS

	Anniversary Month
	May
Opening Balance	\$ 11.59
New Cashback Bonus This Period	
Everywhere Else	+ \$ 0.01
Redeemed This Period	- \$ 0.00
Cashback Bonus Balance	\$ 11.60

To learn more, log in at Discover.com

New York Residents: For more information call us at 1-800-347-2683. You may contact the New York State Department of Financial Services at 1-800-342-3736 or visit www.dfs.ny.gov for free comparative credit card rates, fees and grace periods.

36. 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.

37. 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.

38. 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: “Thank you for calling the Discover credit counselor hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information on up to three recommended credit counselors, press one.” When the caller presses one, the automatic communication system states: “Using the keys on your phone, please enter your billing or home zip code now, followed by the pound key.” When a caller enters their five-digit zip code and presses pound, the automatic communication system asks if the zip code is correct, and if so, asks the caller to press one. When the caller confirms the zip code entered is correct by pressing one, the automatic communication system states “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.” The automatic communication system provides at least three credit counseling agencies to the caller including, but not limited to, Money Management International,

Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

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

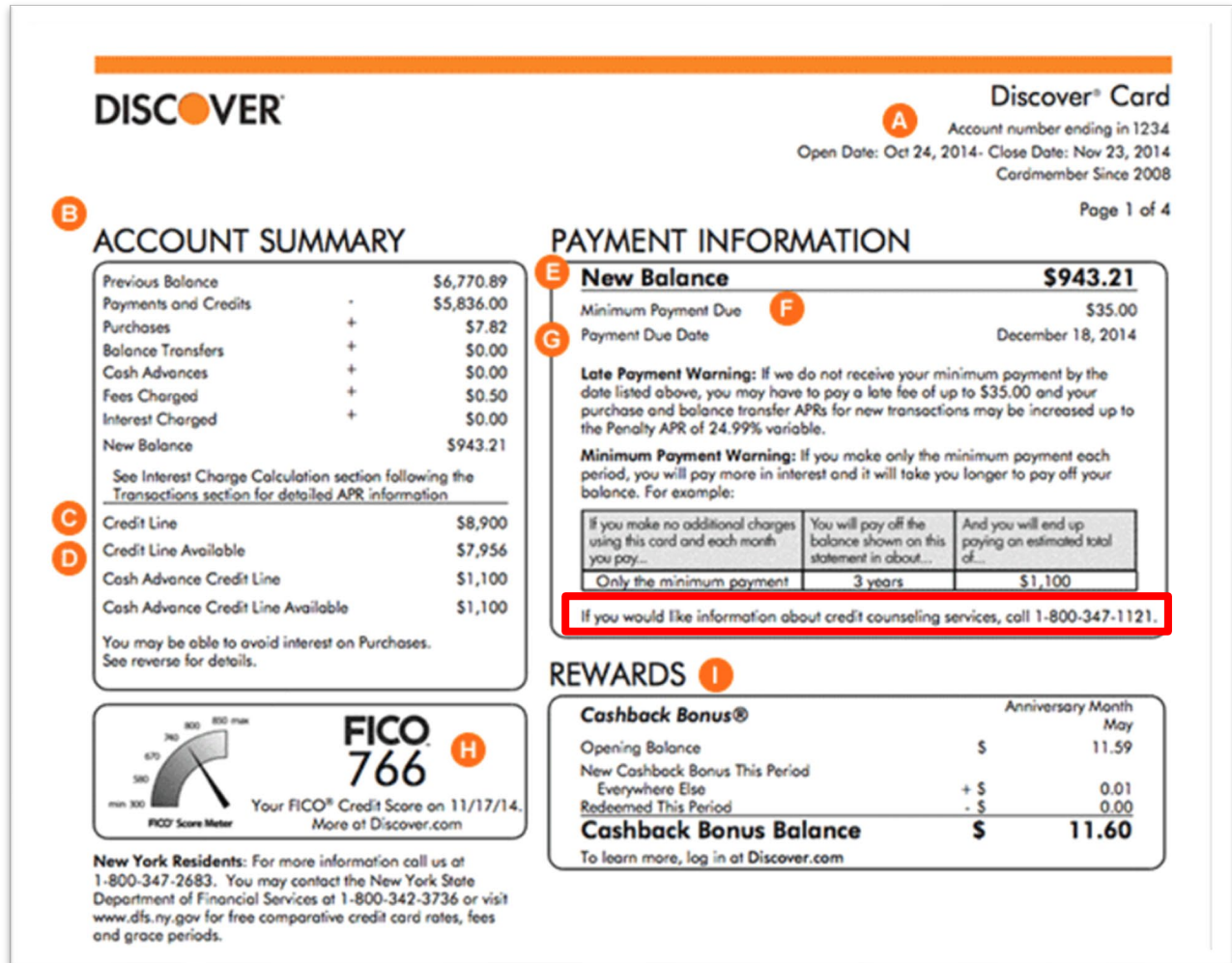
COUNT III
(Infringement of the '257 Patent)

40. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

41. 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.

42. 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 "1-800-347-1121."⁵

⁵ <https://www.discover.com/credit-cards/resources/how-to-read-a-credit-card-statement/>



43. 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.

44. 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 "1-800-347-1121," the caller is connected to the communication referral system which states: "Thank you for calling the Discover credit counselor hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information

on up to three recommended credit counselors, press one.”

45. 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.

46. 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. When a caller enters their five-digit zip code and presses pound, the automatic communication system asks if the zip code is correct, and if so, asks the caller to press one. When the caller confirms the zip code entered is correct by pressing one, the automatic communication system states, “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.”

47. 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, Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

48. 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)

49. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

50. 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.

51. 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 "1-800-347-1121."⁶

⁶ <https://www.discover.com/credit-cards/resources/how-to-read-a-credit-card-statement/>

DISCOVER Discover® Card

Account number ending in 1234
 Open Date: Oct 24, 2014- Close Date: Nov 23, 2014
 Cardmember Since 2008

Page 1 of 4

B ACCOUNT SUMMARY

Previous Balance		\$6,770.89
Payments and Credits	-	\$5,836.00
Purchases	+	\$7.82
Balance Transfers	+	\$0.00
Cash Advances	+	\$0.00
Fees Charged	+	\$0.50
Interest Charged	+	\$0.00
New Balance		\$943.21

See Interest Charge Calculation section following the Transactions section for detailed APR information.

C Credit Line \$8,900
D Credit Line Available \$7,956
 Cash Advance Credit Line \$1,100
 Cash Advance Credit Line Available \$1,100

You may be able to avoid interest on Purchases. See reverse for details.

FICO 766 **H**
 Your FICO® Credit Score on 11/17/14.
 More at Discover.com

New York Residents: For more information call us at 1-800-347-2683. You may contact the New York State Department of Financial Services at 1-800-342-3736 or visit www.dfs.ny.gov for free comparative credit card rates, fees and grace periods.

E PAYMENT INFORMATION

New Balance \$943.21

Minimum Payment Due **F** \$35.00
 Payment Due Date **G** December 18, 2014

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35.00 and your purchase and balance transfer APRs for new transactions may be increased up to the Penalty APR of 24.99% variable.

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:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	3 years	\$1,100

If you would like information about credit counseling services, call 1-800-347-1121.

I REWARDS

Cashback Bonus®		Anniversary Month
		May
Opening Balance	\$	11.59
New Cashback Bonus This Period		
Everywhere Else	+ \$	0.01
Redeemed This Period	- \$	0.00
Cashback Bonus Balance	\$	11.60

To learn more, log in at Discover.com

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

53. 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, "1-800-347-1121." 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.

54. 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 system states: “Thank you for calling the Discover credit counselor hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information on up to three recommended credit counselors, press one.” When the caller presses one, the system states: “Using the keys on your phone, please enter your billing or home zip code now, followed by the pound key.” When a caller enters their five-digit zip code and presses pound, the system asks if the zip code is correct, and if so, asks the caller to press one. When the caller confirms the zip code entered is correct by pressing one, the system states “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.” The system provides at least three credit counseling agencies to the caller including, but not limited to, Money Management International, Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

55. 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)

56. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

57. 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.

58. 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 "1-800-347-1121."⁷

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Only the minimum payment	3 years	\$1,100

If you would like information about credit counseling services, call 1-800-347-1121.

I REWARDS

	Anniversary Month
	May
Opening Balance	\$ 11.59
New Cashback Bonus This Period	
Everywhere Else	+ \$ 0.01
Redeemed This Period	- \$ 0.00
Cashback Bonus Balance	\$ 11.60

To learn more, log in at Discover.com

59. 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.

60. 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, "1-800-347-1121," which connects the caller to the interactive voice response system.

61. 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.

62. 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 apparatus states: “Thank you for calling the Discover credit counselor hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information on up to three recommended credit counselors, press one.”

63. 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 the caller presses one, the apparatus states: “Using the keys on your phone, please enter your billing or home zip code now, followed by the pound key.” When a caller enters their five-digit zip code and presses pound, the apparatus asks if the zip code is correct, and if so, asks the caller to press one. When the caller confirms the zip code entered is correct by pressing one, the apparatus states “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.” The apparatus provides at least three credit counseling agencies to the caller including, but not limited to, Money Management International, Consumer Credit Counseling Service of the Midwest, Inc., and Credit

Counseling Service of Greater Atlanta, Inc.

64. 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.

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

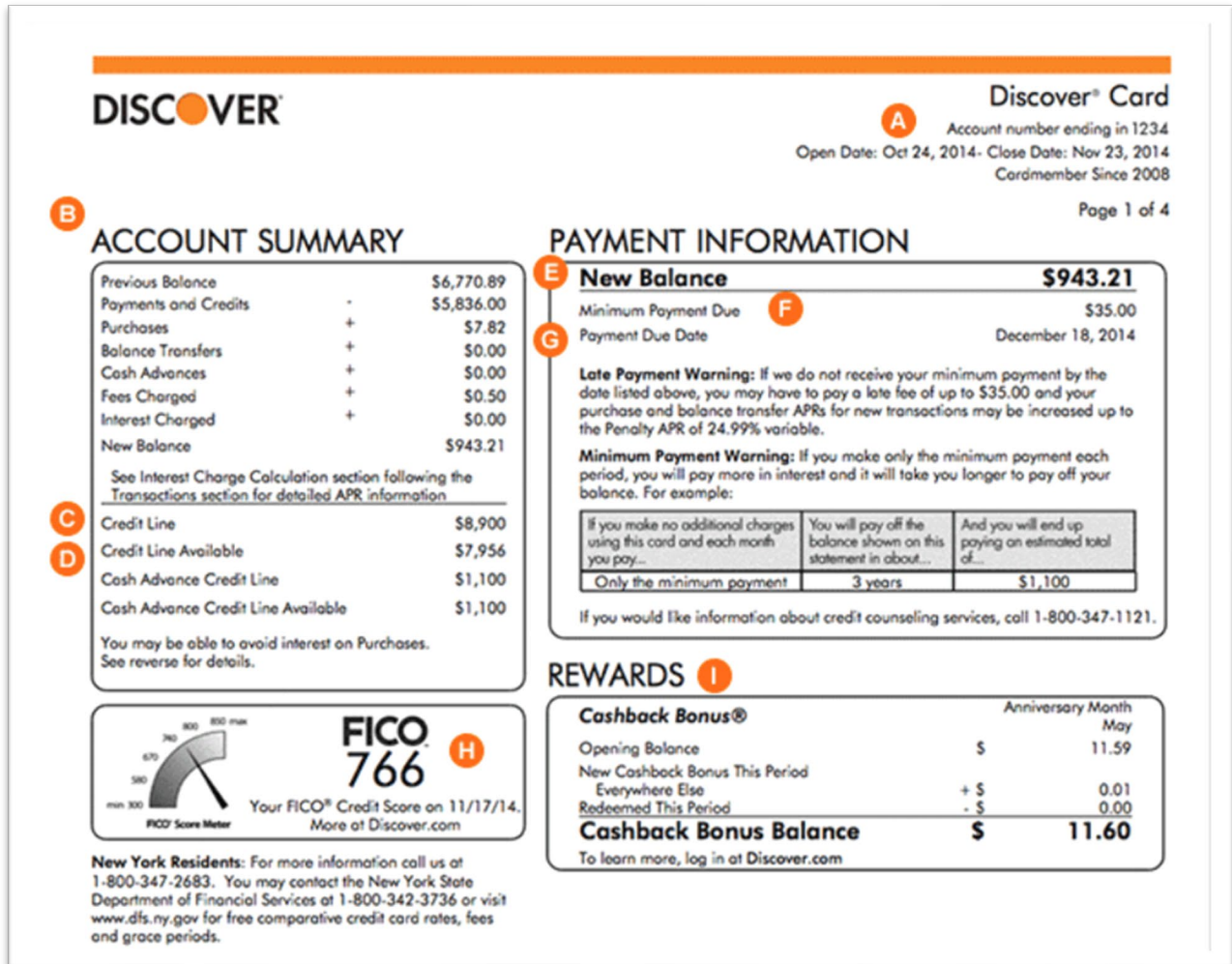
COUNT VI
(Infringement of the '840 Patent)

66. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

67. 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.

68. 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 "1-800-347-1121."⁸

⁸ <https://www.discover.com/credit-cards/resources/how-to-read-a-credit-card-statement/>



69. 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.

70. 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, "1-800-347-1121" which, when called, the Defendant receives from a trunk interface at an apparatus, the inbound phone call from the caller.

71. 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: "Thank you for calling the Discover credit counselor

hotline. This hotline has been established to assist you in locating the nearest Discover recommended credit counselor. If you are ready to enter your ZIP Code and hear the information on up to three recommended credit counselors, press one.”

72. 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. When the caller presses one, the apparatus states: “Using the keys on your phone, please enter your billing or home zip code now, followed by the pound key.” When a caller enters their five-digit zip code and presses pound, the apparatus asks if the zip code is correct, and if so, asks the caller to press one.

73. 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, the apparatus states: “Great, please give our system just a moment to retrieve credit counselor information for you. You might also want to get a pen and paper for you to write down the name and address and information for each When you are ready to hear the first one please press one.” The automatic communication system provides at least three credit counseling agencies to the caller including, but not limited to, Money Management International, Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

74. 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, Consumer Credit Counseling Service of the Midwest, Inc., and Credit Counseling Service of Greater Atlanta, Inc.

75. 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
Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@fabricantllp.com

FABRICANT LLP

411 Theodore Fremd Road, Suite 206 South
Rye, New York 10580
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***