

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

PEREGRIN LICENSING LLC,

Plaintiff,

v.

U.S. BANK N.A.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Peregrin Licensing LLC (“Peregrin” or “Plaintiff”) files this Complaint against Defendant U.S. Bank N.A. (“US Bank” 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, US Bank is a corporation organized and existing under the laws of Washington, D.C., with a place of business at 800 Nicollet Mall, Minneapolis, Minnesota 55402. Upon information and belief, Defendant may be served with process via its agent for service, CT Corporation System, 1015 15th Street NW, Suite 1000, Washington, D.C., 20005.

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).

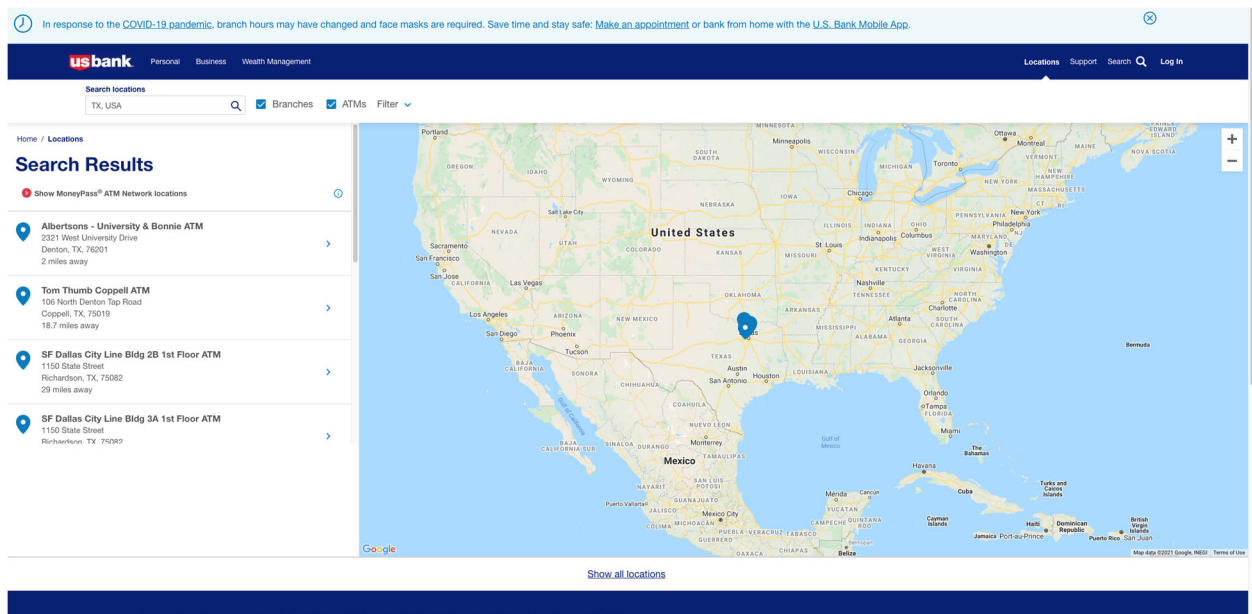
4. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement in this Judicial District, the State of Texas, and elsewhere in the United States.

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 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, 2321 West University Drive, 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 location finder¹:



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

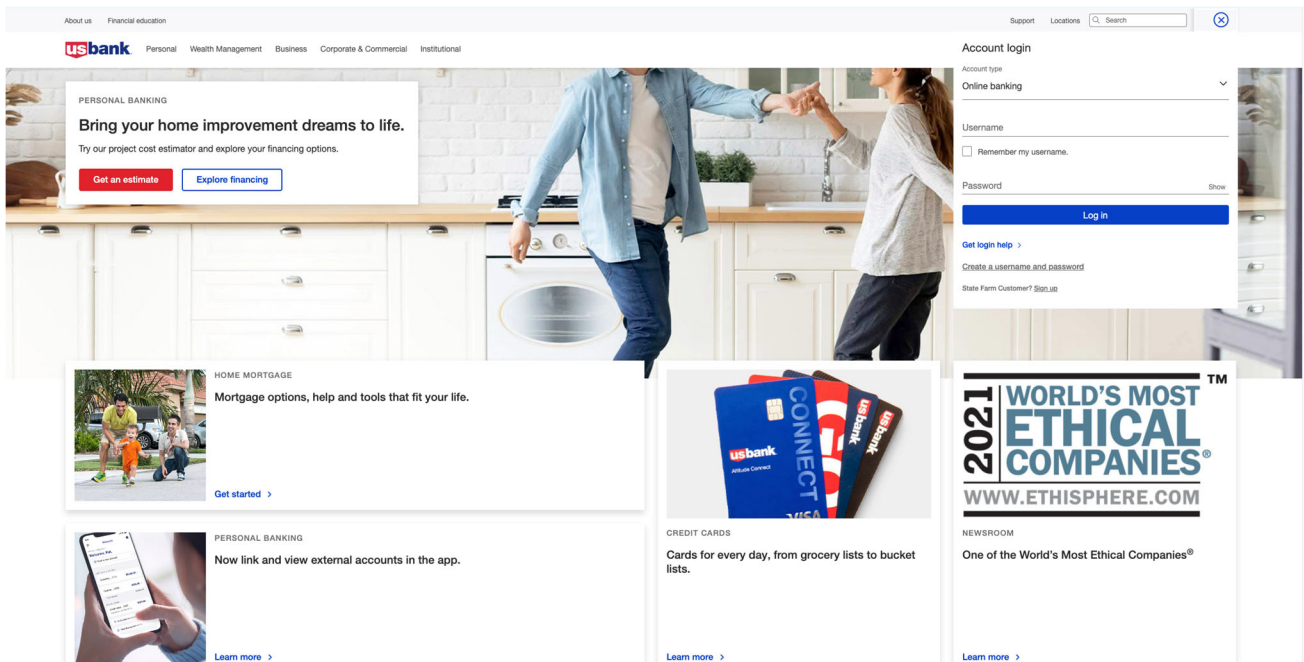
10. Upon information and belief, Defendant's employees work with ATMs and ATM operators in this Judicial District on issues related to technical training and the service of ATMs. Upon information and belief, Defendant reimburses these employees for travel and personal expenses related to their job responsibilities.

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.

¹ <https://locations.usbank.com/search.html>

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 U.S. Bank Mobile App:²



² <https://www.usbank.com/index.html>; <https://www.usbank.com/online-mobile-banking/mobile-banking.html#gettheapp>

Account login

Account type

Online banking ▼

Username

Remember my username.

Password

Show

Log in

[Get login help >](#)

[Create a username and password](#)

State Farm Customer? [Sign up](#)

The screenshot shows the U.S. Bank website homepage. At the top, there is a navigation bar with a search icon and a star icon. The main heading reads "Access us wherever you go." Below this, there is a large advertisement for the U.S. Bank Mobile App. The ad features a smartphone displaying the app's interface, which includes a "Welcome, Alex." message, a "PREQUALIFIED CREDIT CARD OFFER" for a U.S. Bank Altitude Go Visa Signature Card, and a list of account balances: Checking (\$505.50), Savings (\$2,500.25), and Credit Card (\$500.99). To the right of the smartphone, the text says "Bank from almost anywhere with the U.S. Bank Mobile App." and lists features: "Transfer money between your accounts.", "Deposit checks.", "Manage and pay bills.", and "Send, receive and request money." A "Download the app" button is provided. On the far right, there is a list of services: "Branches & ATMs" (with a "Search locations >" link), "Online banking" (with a "Log in to your account(s) >" link), "24-hour banking" (with a "Call 800-USBANKS (872-2657) >" link), and "Appointments" (with a "Make an appointment >" link).

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 Defendant's 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 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>.

22. 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>.

23. 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.

24. 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

25. 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”).

26. 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)**

27. Paragraphs 1 through 26 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 ’371 Patent.

29. 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 "1-866-951-1391."

usbank.

August 2020 Statement
 Open Date: MM/DD/YYYY Closing Date: MM/DD/YYYY

U.S. Bank Card
 JOHN CITIZEN

Cardmember Service
 1 800 XXX XXXX

New Balance	\$2,498.54
Minimum Payment Due	\$30.00
Payment Due Date	09/07/2020

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$35.00 Late Fee.

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	7 years	\$3,989
\$87	3 years	\$3,142 (Savings - \$847)

If you would like information about credit counseling services, call **866-951-1391**.

Activity Summary		
Previous Balance	+	\$2,675.46
Payments	-	\$225.00 CR
Other Credits		\$0.00
Purchases	+	\$48.08
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
New Balance	=	\$2,498.54
Past Due		\$0.00
Minimum Payment Due		\$30.00
Revolving Line of Credit		\$5,000.00
Revolving Line Available		\$2,501.46
Days in Billing Period		32

Payment Options:

- Mail payment coupon with a check
- Pay Online at usbank.com
- Pay by phone 1-866-268-2131
- Pay at your local U.S. Bank branch

30. 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.

31. 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, “1-866-951-1391,” the caller is directed to the automatic communication system.

32. 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!” When a caller enters their five-digit zip code, the automatic communication system offers three contact information options for licensed credit counseling agencies based on the caller’s location. For example, when the caller enters the zip code “75670,” the automatic communication system provides three credit counseling agencies to the caller including, but not limited to, “Money Management International Reno Nevada,” “Greenpath Financial Wellness McKinney Texas,” and “Credit Advisors Foundation Omaha Nebraska.”

33. 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)

34. Paragraphs 1 through 26 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 ’097 Patent.

36. 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 "1-866-951-1391."

usbank

August 2020 Statement
 Open Date: MM/DD/YYYY Closing Date: MM/DD/YYYY

U.S. Bank Card
 JOHN CITIZEN

Cardmember Service
 1 XXX XXX XXXX
 800 235 7777

New Balance	\$2,498.54
Minimum Payment Due	\$30.00
Payment Due Date	09/07/2020

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$35.00 late fee.

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	7 years	\$3,989
\$87	3 years	\$3,142 (Savings - \$847)

If you would like information about credit counselling services, call 866 951 1391.

Previous Balance	+	\$2,675.46
Payments	-	\$225.00 CR
Other Credits		\$0.00
Purchases	+	\$48.08
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
New Balance	=	\$2,498.54
Past Due		\$0.00
Minimum Payment Due		\$30.00
Revolving Line of Credit		\$5,000.00
Revolving Line Available		\$2,501.46
Days in Billing Period		32

Payment Options:

- Mail payment coupon with a check
- Pay Online at usbank.com
- Pay by phone 1-866-268-2131
- Pay at your local U.S. Bank branch

37. 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.

38. 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.

39. 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!” When a caller enters their five-digit zip code, the automatic communication system offers three contact information options for licensed credit counseling agencies based on the caller’s location. For example, when the caller enters the zip code “75670,” the automatic communication system provides three credit counseling agencies to the caller including, but not limited to, “Money Management International Reno Nevada,” “Greenpath Financial Wellness McKinney Texas,” and “Credit Advisors Foundation Omaha Nebraska.”

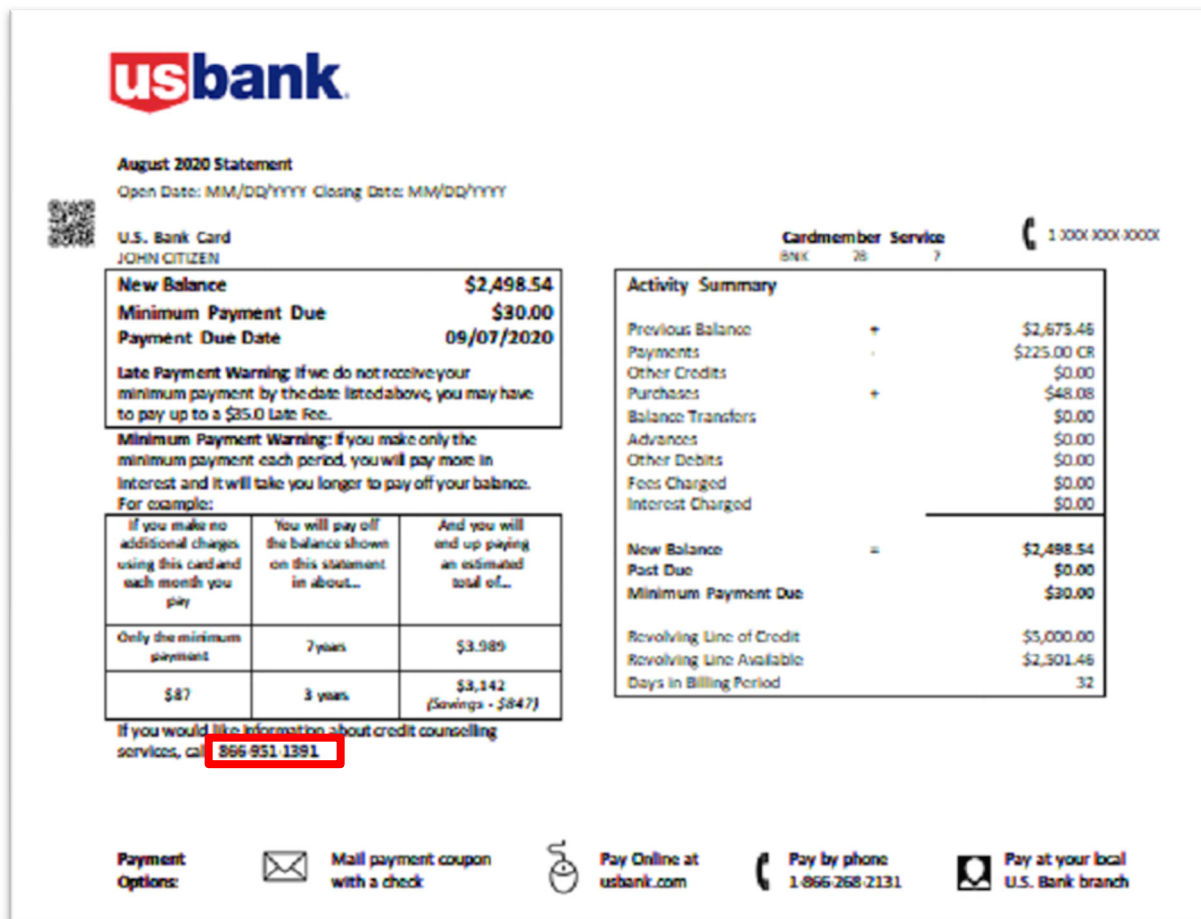
40. Because of Defendant’s infringement of the ’097 Patent, Peregrin has suffered damages in an amount to be proved at trial.

COUNT III
(Infringement of the ’257 Patent)

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

42. 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.

43. 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 "1-866-951-1391."



44. 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.

45. 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 “1-866-951-1391,” 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!”

46. 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.

47. 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, the automatic communication system offers three contact information options for licensed credit counseling agencies based on the caller’s location.

48. 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. For example, when the caller enters the zip code “75670,” the automatic communication system provides three credit counseling agencies to the caller including, but not limited to, “Money Management International Reno Nevada,” “Greenpath Financial Wellness McKinney Texas,” and “Credit Advisors Foundation Omaha Nebraska.”

49. 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)

50. Paragraphs 1 through 26 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 '630 Patent.

52. 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 "1-866-951-1391."

usbank

August 2020 Statement
 Open Date: MM/DD/YYYY Closing Date: MM/DD/YYYY

U.S. Bank Card
 JOHN CITIZEN

Cardmember Service
 BNK 28 7 1 XXX XXX XXX

New Balance	\$2,498.54
Minimum Payment Due	\$30.00
Payment Due Date	09/07/2020

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$35.0 Late Fee.

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	7 years	\$3,989
\$87	3 years	\$3,142 (Savings - \$847)

If you would like information about credit counselling services, call 866 951 1391.

Activity Summary		
Previous Balance	+	\$2,675.46
Payments	-	\$225.00 CR
Other Credits		\$0.00
Purchases	+	\$48.08
Balance Transfers		\$0.00
Advances		\$0.00
Other Debits		\$0.00
Fees Charged		\$0.00
Interest Charged		\$0.00
New Balance	=	\$2,498.54
Past Due		\$0.00
Minimum Payment Due		\$30.00
Revolving Line of Credit		\$5,000.00
Revolving Line Available		\$2,501.46
Days in Billing Period		32

Payment Options:

- Mail payment coupon with a check
- Pay Online at usbank.com
- Pay by phone 1.866.268.2131
- Pay at your local U.S. Bank branch

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

54. 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, "1-866-951-1391." 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.

55. 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!” When a caller enters their five-digit zip code, the automatic communication system offers three contact information options for licensed credit counseling agencies based on the caller’s location. For example, when the caller enters the zip code “75670,” the automatic communication system provides three credit counseling agencies to the caller including, but not limited to, “Money Management International Reno Nevada,” “Greenpath Financial Wellness McKinney Texas,” and “Credit Advisors Foundation Omaha Nebraska.”

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

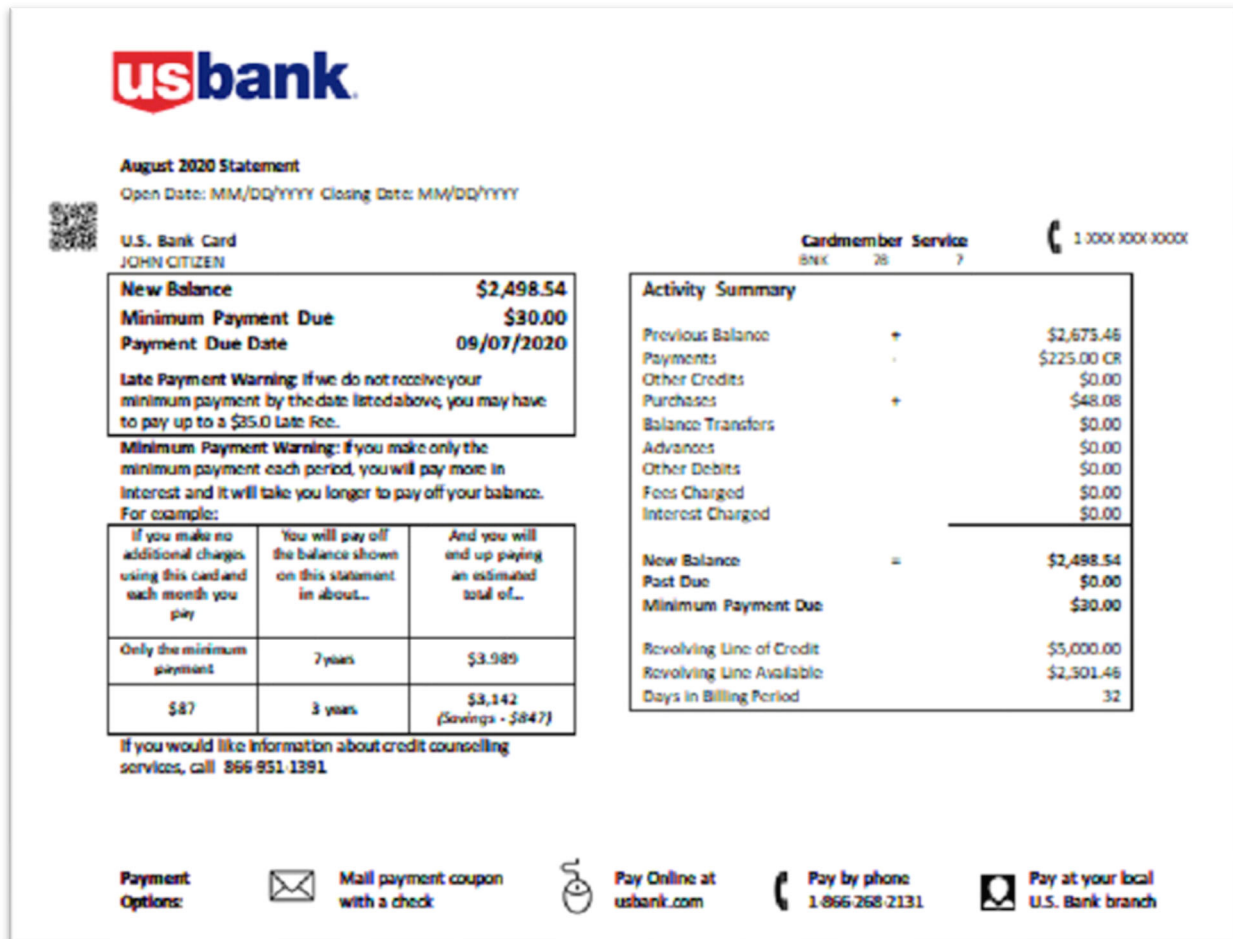
COUNT V
(Infringement of the ’771 Patent)

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

58. 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.

59. 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 “1-866-951-1391.”



60. 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.

61. 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, “1-866-951-1391,” which connects the caller to the interactive voice response system.

62. 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.

63. 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!"

64. 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. When a caller enters their five-digit zip code, the automatic communication system offers three contact information options for licensed credit counseling agencies based on the caller's location. For example, when the caller enters the zip code "75670," the automatic communication system provides three credit counseling agencies to the caller including, but not limited to, "Money Management International Reno Nevada," "Greenpath Financial Wellness McKinney Texas," and "Credit Advisors Foundation Omaha Nebraska."

65. 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.

66. 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)

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

68. 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.

69. 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 "1-866-951-1391."

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
 TDD for Hearing/Speech Impaired: 1-800-419-2255
 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 **6**
 PO BOX 30086
 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/leo/bapcpa/code/cc_approved.htm or call 1-877-285-2108.

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

70. 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.

71. 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, "1-866-951-1391" which, when called, the Defendant receives from a trunk interface at an apparatus, the inbound phone call from the caller.

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

73. 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.

74. 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. When a caller enters their five-digit zip code, the apparatus offers three contact information options for licensed credit counseling agencies based on the caller's location. For example, when the caller enters the zip code "75670," the interactive voice response apparatus provides three credit counseling agencies to the caller including, but not limited to, "Money Management International Reno Nevada," "Greenpath Financial Wellness McKinney Texas," and "Credit Advisors Foundation Omaha Nebraska."

75. 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. For example, the apparatus of Defendant routes the caller to one of "Money Management International Reno Nevada," "Greenpath Financial Wellness McKinney Texas," and "Credit Advisors Foundation Omaha Nebraska."

76. 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 16, 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***