

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>MCOM IP, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 3:21-cv-02215</b>
<b>v.</b>	)	
	)	
<b>NAUTILUS HYOSUNG AMERICAS,</b>	)	
<b>INC. D/B/A HYOSUNG AMERICAS</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by Nautilus Hyosung Americas d/b/a Hyosung Americas (“Hyosung”).

**I. THE PARTIES**

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, HYOSUNG is a credit union existing under the laws of the State of Delaware, with a principal place of business located at 6641 N. Beltline Road, #100, Irving, Texas 75063. On information and belief, HYOSUNG sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be through its registered agent Paul Kim 1025 S Belt Line Road, #400, Coppel, TX 75019 or wherever they may be found.

## **II. JURISDICTION AND VENUE**

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

## **III. INFRINGEMENT**

### **A. Infringement of the '508 Patent**

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

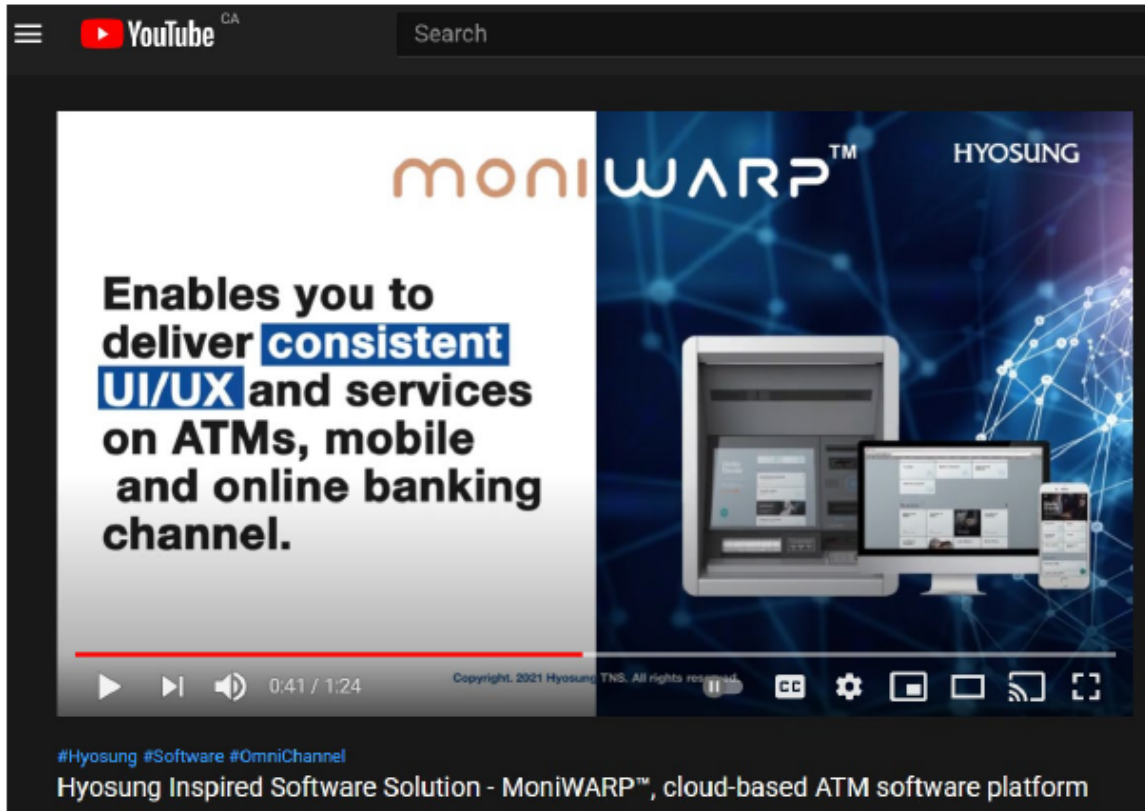
7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. HYOSUNG maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the '508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '508 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

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

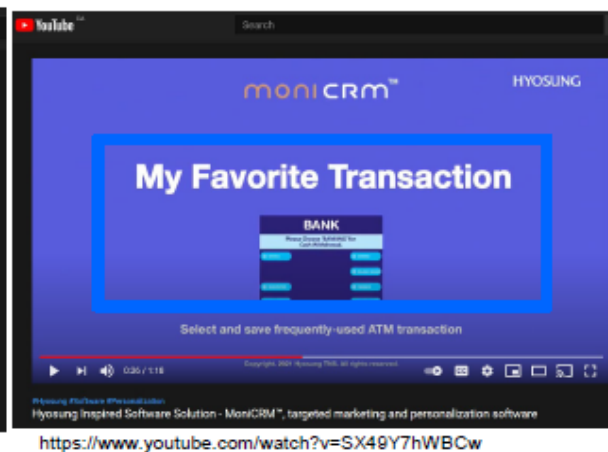
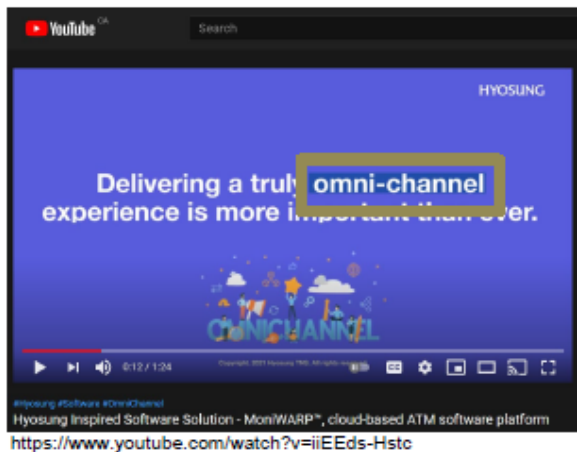
13. A unified electronic banking system, said system comprising:

For example, Hyosung has a unified brand platform.



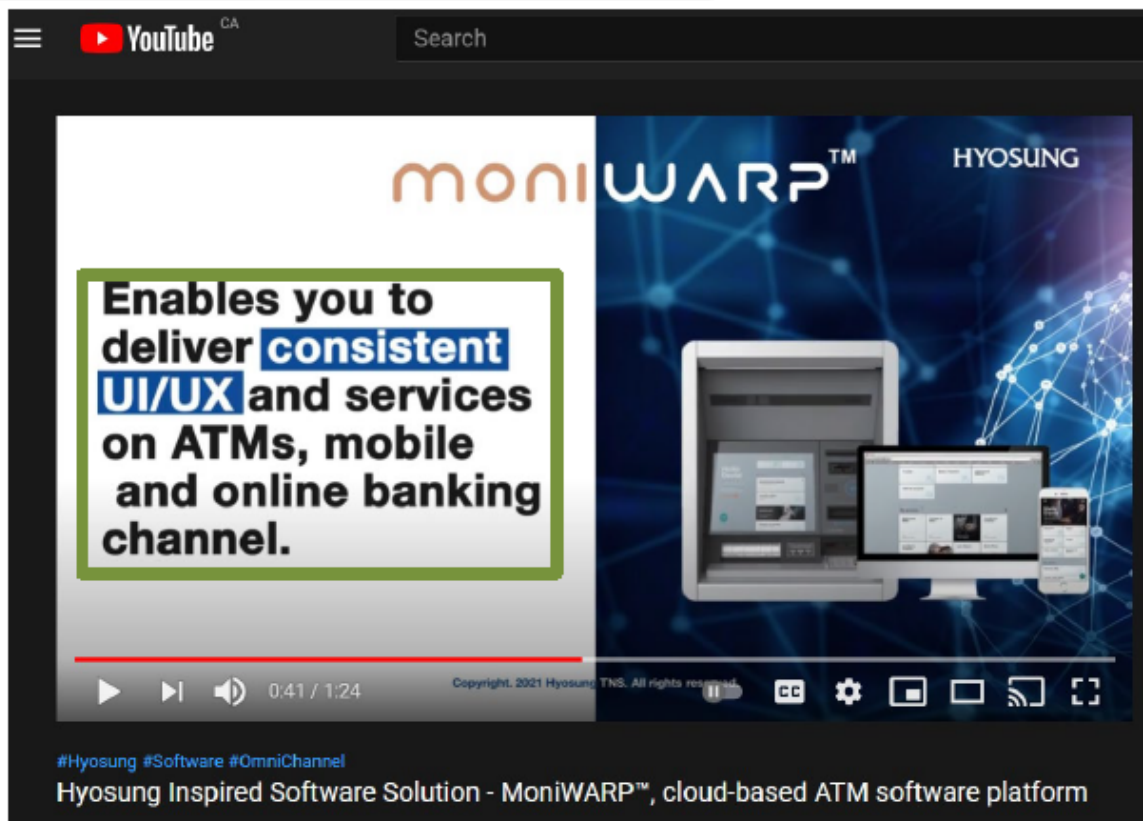
a common multi-channel server, wherein said multi-channel server is communicatively coupled to one or more independent computer systems; wherein each of one or more independent computer systems is associated with an independent financial institution, and each of said computer systems is communicatively coupled to said multi-channel server;

For example, Hyosung's unified brand platform communicatively couple's ATM's and financial institutions with their multi-channel (omni-channel server.)



one or more e-banking touch points, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof,

For example, Hyosung's e-banking touch points include: an accessible banking website, an ATM and wireless devices, that can connect and perform banking operations.



wherein one or more of said e-banking touch points are communicatively coupled to said multi-channel server, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;

For example, Hyosung's customers can access an ATM machine which is coupled to the financial institution using Hyosung's omni-channel platform to fill out an interactive real-time survey.

The image shows a YouTube video player interface. At the top, the YouTube logo and a search bar are visible. The video content features the 'moniWARP™' logo in orange and white, with 'HYOSUNG' in white on a blue background. A white box with a brown border contains the text: 'Enables you to deliver consistent UI/UX and services on ATMs, mobile and online banking channel.' To the right, there is a graphic of an ATM, a desktop monitor, and a smartphone, all displaying the software interface. The video player controls at the bottom show a play button, a progress bar at 0:41 / 1:24, and various icons for settings, closed captions, and full screen. Below the video, the text reads: '#Hyosung #Software #OmniChannel Hyosung Inspired Software Solution - MoniWARP™, cloud-based ATM software platform'.

<https://www.youtube.com/watch?v=SX49Y7hWBCw>



and a data storage device, wherein transactional usage data associated with a transaction initiated by a user through one of said e-banking touch points is stored in said data storage device and accessed by one or more of said other e-banking touch points:

For example, Hyosung's banking technology stores the customers personal and financial information on Hyosung's data base. Customer information is stored on Hyosung's data base and accessed by the ATM device.

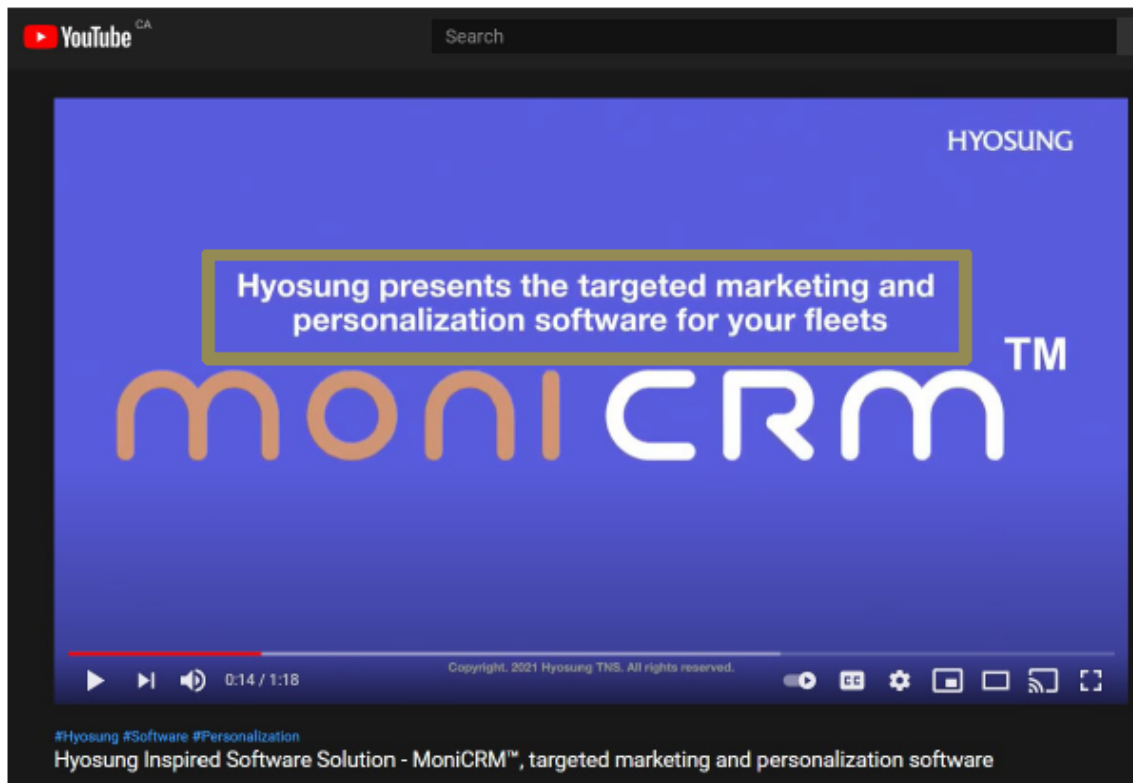
<https://www.youtube.com/watch?v=SX48Y7hWBCw>



wherein said active session is monitored via said server in real-time for selection of targeted marketing content correlated to said user-defined preferences, said targeted marketing content correlated to said user-defined preferences is selected subsequent to said monitoring.

For example, Hyosung's omni-channel banking platform allows for real-time targeted marketing.

**"Slide 1 of 4 for this claim element"**



<https://www.youtube.com/watch?v=SX48Y7hWBCw>

wherein said active session is monitored via said server in real-time for selection of targeted marketing content correlated to said user-defined preferences, said targeted marketing content correlated to said user-defined preferences is selected subsequent to said monitoring

For example, Hyosung's omni-channel banking platform allows for real-time targeted marketing. Targeted marketing includes greetings, campaigns, new accounts and promotions.

“Slide 2 of 4 for this claim element”



<https://www.youtube.com/watch?v=SX49Y7hWBCw>

wherein said active session is monitored via said server in real-time for selection of targeted marketing content correlated to said user-defined preferences, said targeted marketing content correlated to said user-defined preferences is selected subsequent to said monitoring

For example, Hyosung's omni-channel banking platform allows for real-time targeted marketing messages on ATM's displays, based on customers preferences.

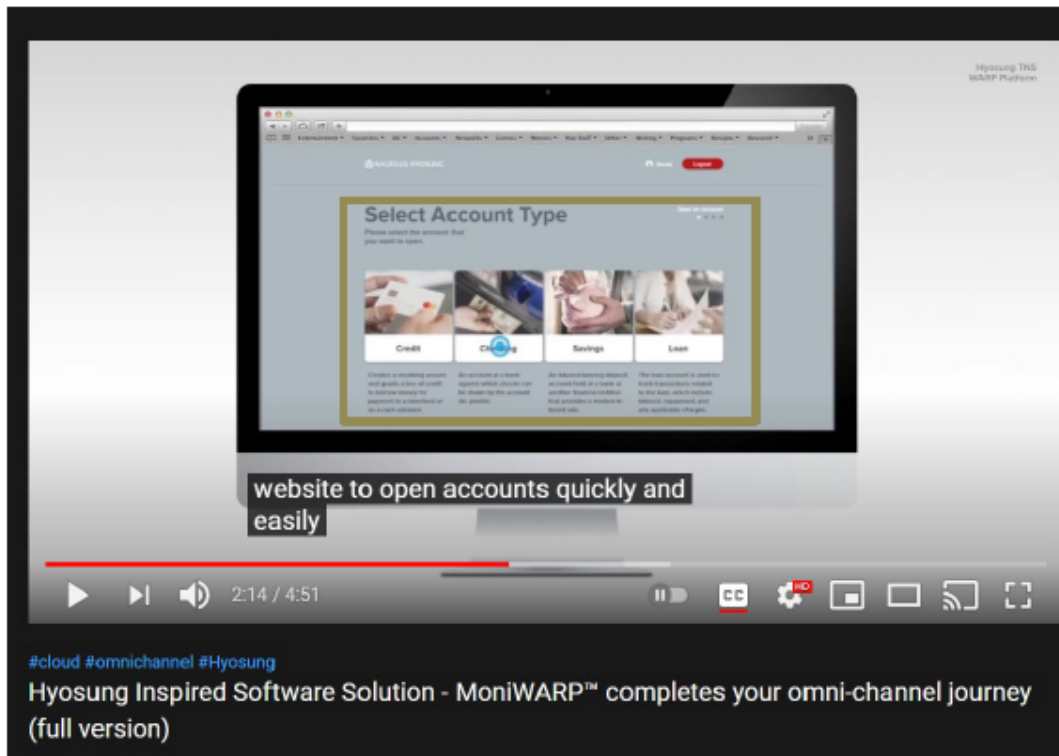
“Slide 3 of 4 for this claim element”



wherein said active session is monitored via said server in real-time for selection of targeted marketing content correlated to said user-defined preferences, said targeted marketing content correlated to said user-defined preferences is selected subsequent to said monitoring

For example, Hyosung's omni-channel banking platform allows for real-time targeted marketing messages on ATM's based on customers preferences. For Instance, a message can pop up with alternate accounts such a checking, saving, credit card or loans.

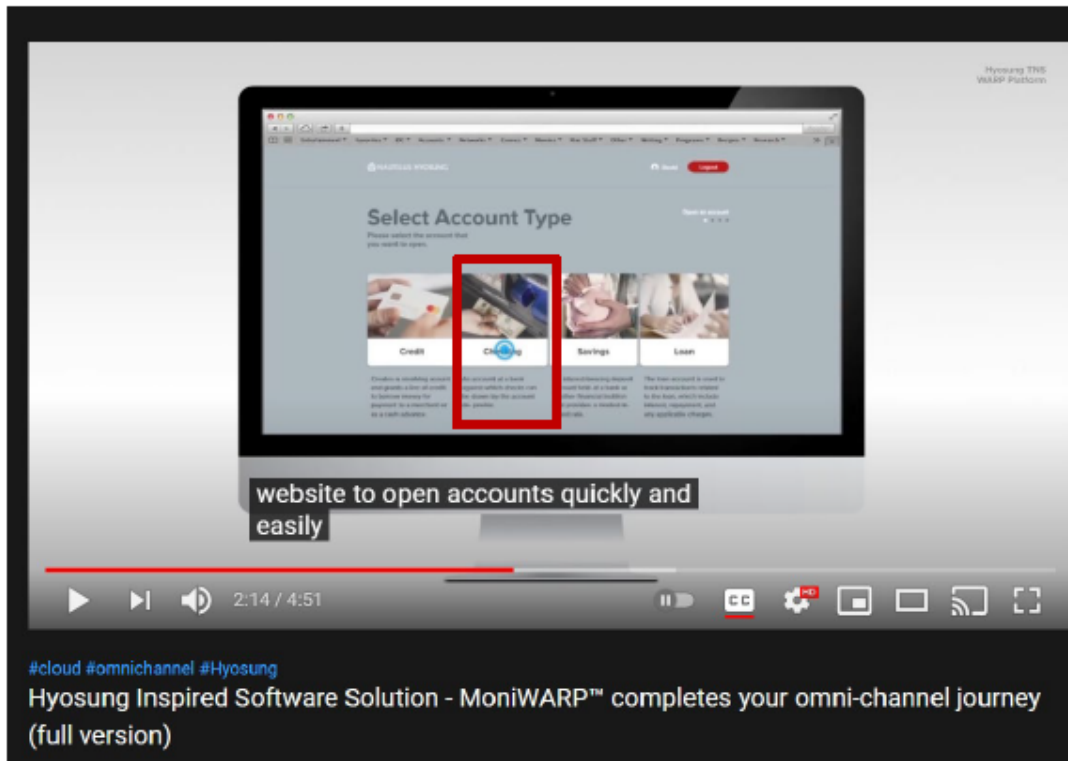
**“Slide 4 of 4 for this claim element”**



**and transmitted in real-time to at least one of said e-banking touch points for acceptance, rejection, or no response by a user**, and wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.

For example, Hyosung's customer chooses to open a checking account and clicks on **the checking account tab on the ATM.**

**“Slide 1 of 3 for this claim element”**



<https://www.youtube.com/watch?v=O137gXaKcqq>

<https://www.youtube.com/watch?v=O137gXaKcqq>

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

10. HYOSUNG has and continues to induce infringement. HYOSUNG has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, HYOSUNG has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

11. HYOSUNG has and continues to contributorily infringe. HYOSUNG has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, HYOSUNG has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

12. HYOSUNG has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

#### **IV. JURY DEMAND**

MCom hereby requests a trial by jury on issues so triable by right.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost

profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award MCom its attorneys’ fees, expenses, and costs incurred in this action;
- e. declare Defendant’s infringement to be willful and treble the damages, including attorneys’ fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

**Ramey & Schwaller, LLP**  
William P. Ramey, III (*pro hac vice anticipated*)  
Texas State Bar No. 24027643  
5020 Montrose Blvd., Suite 800



Houston, Texas 77006  
(713) 426-3923 (telephone)  
(832) 900-4941 (fax)  
wramey@rameyfirm.com

*Attorneys for MCom, LLC*