

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

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 3:21-cv-02285
v.)	
)	
CORPORATE AMERICA FAMILY)	JURY TRIAL DEMANDED
CREDIT UNION)	
Defendant.)	

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 Corporate America Family Credit Union (“CAFCU” or “Defendant”).

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, CAFCU is a corporation existing under the laws of the State of Delaware, with a place of business located at 5910 N MacArthur Boulevard, Suite 140, Irving, TX 75039. On information and belief, CAFCU sells, uses 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 served may be its place of business 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 CAFCU 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 Woodforest 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. Defendant 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:

Claim	CACU
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>In order to complement VSoft’s core processing platform, <u>CoreSoft, Corporate America Credit Union (CACU) is leveraging Arya’s flexible multi-tenant, multi-tiered platform to provide its nearly 500 member credit unions access to effectively manage, edit, and update member accounts.</u> Arya delivers a consistent, intuitive interface, ensuring a positive user experience even for credit union employees.</p> <p>Attachment 1 (Corporate America Credit Union is Live with Arya, VSoft’s Digital Banking Platform)</p>

Claim	CACU
	<p>Source: https://www.vsoftcorp.com/corporate-america-credit-union-is-live-with-arya-vsofts-digital-banking-platform/</p>
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic</p>	<div data-bbox="407 445 1040 844">  <p data-bbox="407 531 773 564">Mobile Banking Services</p> <p data-bbox="407 602 935 686"><small>Corporate America Credit Union is proud to partner with VSoft Corporation to introduce Arya to our member credit unions. Arya is an innovative platform combining mobile, online and RDC into one product, no matter what device you are using. Arya allows members to conduct business using their device of their choice... anytime, anywhere. The consistent interface ensures a consistent experience whether using a laptop, tablet, smartphone or otherwise.</small></p> <p data-bbox="948 606 1040 653">vsoft <small>ingenuity at work</small></p> <p data-bbox="407 701 561 720">Key Features include:</p> <ul data-bbox="435 724 1029 844" style="list-style-type: none"> Device & Browser Independent Industry Leading Security Multi-Factor Authentication Customizable Branding Themes Complete Suite of Transactional Services: Personal Financial Management, Bill Pay, P2P, Transfers, Check Images, Ordering Checks </div> <p data-bbox="396 947 1008 982">Attachment 2 (Mobile banking Service) at 1.</p> <p data-bbox="396 1085 1382 1245">https://www.corpam.org/Services/Other-Services/Mobile-Banking-Services#:~:text=Mobile%20Banking%20Services%20Corporate%20America%20Credit%20Union%20is,product%2C%20no%20matter%20what%20device%20you%20are%20using.</p>

Claim	CACU
<p>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, 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;</p>	
<p>receiving an actionable input from at least one e-banking touch point;</p>	

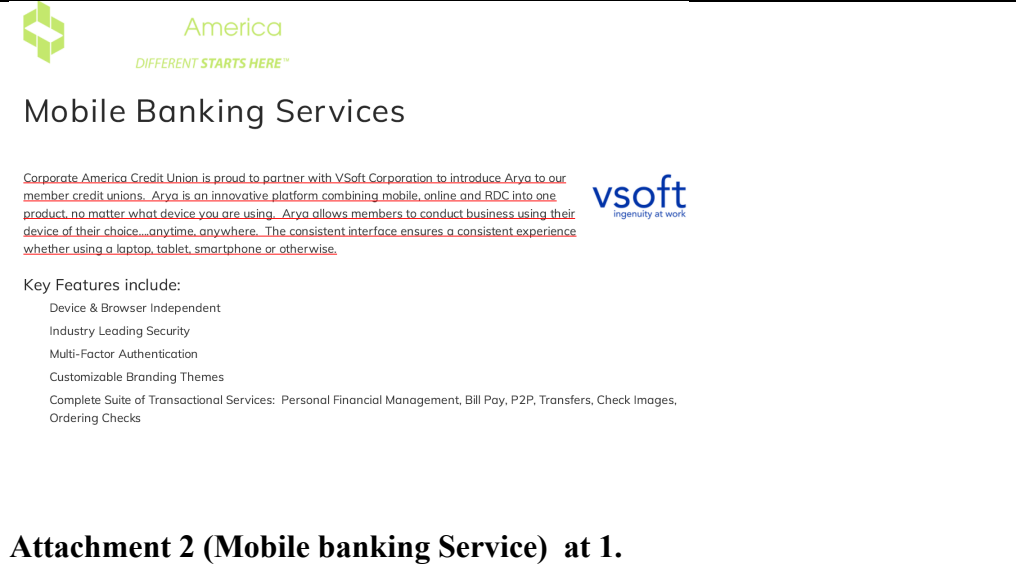
Claim	CACU
	<div data-bbox="521 260 1273 806"><p>Impress Your Customers</p><p>Customers are increasingly dependent on voice assistants such as Alexa and Siri to complete everyday tasks. Arya offers even more convenience with digital banking support for voice assistants, smartwatches, and IoT devices.</p></div> <p data-bbox="396 911 964 947">Attachment 5 (Arya - VSoft Corporation)</p> <p data-bbox="396 978 948 1014">Source: https://www.vsoftcorp.com/arya</p> <p data-bbox="699 1146 1057 1182">TRANSACTION SERVICES</p> <p data-bbox="396 1186 1057 1367">Members can quickly transfer money from one account to another leveraging a variety of services including: bill payments, P2P payments, internal transfers, external transfers, member transfers, remote deposit capture, and wire transfers.</p> <p data-bbox="396 1480 906 1516">Attachment 4 (Arya Digital Banking)</p> <p data-bbox="396 1547 1338 1583">Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>

Claim	CACU
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<div data-bbox="513 327 1281 770" style="text-align: center;">  <p>Better Service with Analytics</p> <p>With more knowledge of customers' habits, financial institutions can optimize their features to better serve their account holders.</p> </div> <p>Attachment 5(Arya - VSoft Corporation)</p> <p>Source: https://www.vsoftcorp.com/arya</p> <div data-bbox="399 1010 1086 1314" style="background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <p>Arya is compatible with both Android and Apple devices to allow your account holders to choose the device that works best for them. Users benefit from a comprehensive, easy-to-use system, <u>while financial institutions gain better insight into their account holders across channels. The consolidated data provides institutions the ability to tailor services for their account holders and promote relevant products.</u></p> </div> <p>Attachment 3 (Arya-10232019)</p> <p>Source: https://www.vsoftcorp.com/wp-content/uploads/2020/09/Arya-10232019.pdf</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting</p>	


Claim	CACU
<p>said actionable input;</p>	<div data-bbox="760 260 1015 682" data-label="Image"> </div> <p>Attachment 3 (Arya-10232019)</p> <p>Source: https://www.vsoftcorp.com/wp-content/uploads/2020/09/Arya-10232019.pdf</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<p style="text-align: center;">PERSONAL FINANCE MANAGER</p> <p style="text-align: center;">With the money management tool, members can securely manage their finances in one place. Users benefit from an array of tools including: budgeting, <u>account aggregation</u>, auto categorization and debt management.</p> <p>Attachment 4 (Arya Digital Banking)</p> <p>Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>

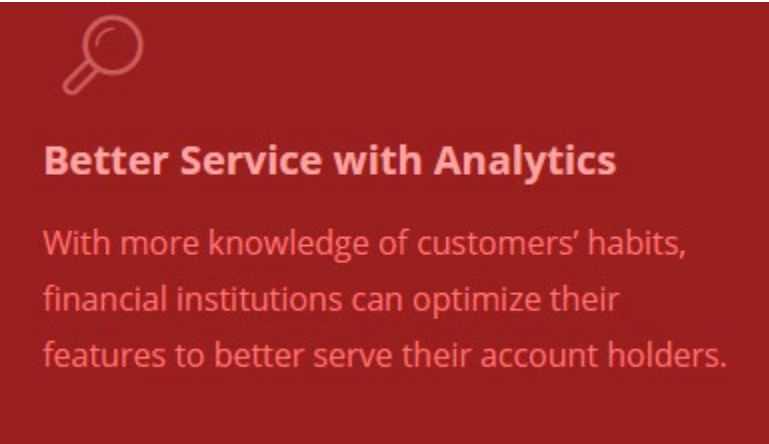
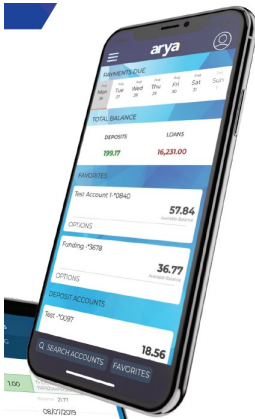
Claim	CACU
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<div data-bbox="695 478 1097 877" data-label="Image"> </div> <p data-bbox="683 957 1114 1161">Gain insights from customer interactions using robust reporting and data collection methods.</p> <p data-bbox="396 1209 964 1245">Attachment 5 (Arya - VSoft Corporation)</p> <p data-bbox="396 1278 948 1314">Source: https://www.vsoftcorp.com/arya</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch</p>	

Claim	CACU
<p>points for acceptance, rejection, or no response by a user, 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.</p>	<p style="text-align: center;">DIGITAL TARGET MARKETING <u>Gain insight into members and analyze aggregated data for effective marketing campaigns. reate targeted advertisements within Arya based on specific user data.</u></p> <p>Attachment 4(Arya Digital Banking) Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>

Claim	CACU
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>In order to complement VSoft’s core processing platform, <u>CoreSoft, Corporate America Credit Union (CACU) is leveraging Arya’s flexible multi-tenant, multi-tiered platform to provide its nearly 500 member credit unions access to effectively manage, edit, and update member accounts.</u> Arya delivers a consistent, intuitive interface, ensuring a positive user experience even for credit union employees.</p> <p>Attachment 1 (Corporate America Credit Union is Live with Arya, VSoft’s Digital Banking Platform)</p> <p>Source: https://www.vsoftcorp.com/corporate-america-credit-union-is-live-with-arya-vsofts-digital-banking-platform/</p>
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-</p>	 <p>The screenshot shows the Corporate America Credit Union mobile banking interface. At the top left is the Corporate America logo with the tagline "DIFFERENT STARTS HERE™". The main heading is "Mobile Banking Services". Below this is a paragraph of text: "Corporate America Credit Union is proud to partner with VSoft Corporation to introduce Arya to our member credit unions. Arya is an innovative platform combining mobile, online and RDC into one product, no matter what device you are using. Arya allows members to conduct business using their device of their choice...anytime, anywhere. The consistent interface ensures a consistent experience whether using a laptop, tablet, smartphone or otherwise." To the right of this text is the VSoft logo with the tagline "Ingenuity at work". Below the text is a section titled "Key Features include:" followed by a list: "Device & Browser Independent", "Industry Leading Security", "Multi-Factor Authentication", "Customizable Branding Themes", and "Complete Suite of Transactional Services: Personal Financial Management, Bill Pay, P2P, Transfers, Check Images, Ordering Checks". At the bottom of the screenshot is the text "Attachment 2 (Mobile banking Service) at 1."</p>

Claim	CACU
<p>banking touch points being provided in locations remote from the other, and 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, 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;</p>	<p>https://www.corpam.org/Services/Other-Services/Mobile-Banking-Services#:~:text=Mobile%20Banking%20Services%20Corporate%20America%20Credit%20Union%20is,product%2C%20no%20matter%20what%20device%20you%20are%20using.</p>

Claim	CACU
<p>receiving an actionable input from at least one e-banking touch point;</p>	<div data-bbox="521 260 1273 806" style="background-color: #800000; color: #f08080; padding: 10px; text-align: center;">  <p>Impress Your Customers</p> <p>Customers are increasingly dependent on voice assistants such as Alexa and Siri to complete everyday tasks. Arya offers even more convenience with digital banking support for voice assistants, smartwatches, and IoT devices.</p> </div> <p>Attachment 5 (Arya - VSoft Corporation)</p> <p>Source: https://www.vsoftcorp.com/arya</p> <p style="text-align: center;">TRANSACTION SERVICES</p> <p>Members can quickly transfer money from one account to another leveraging a variety of services including: bill payments, P2P payments, internal transfers, external transfers, member transfers, remote deposit capture, and wire transfers.</p> <p>Attachment 4 (Arya Digital Banking)</p> <p>Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>
<p>retrieving previously stored data associated with said actionable input, wherein said</p>	

Claim	CACU
<p>previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<div data-bbox="516 466 1281 907" style="text-align: center;">  <p>Better Service with Analytics</p> <p>With more knowledge of customers' habits, financial institutions can optimize their features to better serve their account holders.</p> </div> <p data-bbox="396 940 954 978">Attachment 5(Arya - VSoft Corporation)</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<div data-bbox="760 1213 1013 1629" style="text-align: center;">  </div> <p data-bbox="396 1663 821 1701">Attachment 3 (Arya-10232019)</p> <p data-bbox="396 1730 1364 1810">Source: https://www.vsoftcorp.com/wp-content/uploads/2020/09/Arya-10232019.pdf</p>

Claim	CACU
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<p style="text-align: center;">PERSONAL FINANCE MANAGER</p> <p style="text-align: center;">With the money management tool, members can securely manage their finances in one place. Users benefit from an array of tools including: budgeting, <u>account aggregation</u>, auto categorization and debt management.</p> <p>Attachment 4 (Arya Digital Banking)</p> <p>Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>

Claim	CACU
<p>monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p> <p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<div data-bbox="695 407 1097 810" data-label="Image"> </div> <p data-bbox="683 890 1114 1094">Gain insights from customer interactions using robust reporting and data collection methods.</p> <p data-bbox="396 1142 964 1178">Attachment 5 (Arya - VSoft Corporation)</p> <p data-bbox="396 1209 948 1245">Source: https://www.vsoftcorp.com/arya</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said</p>	<p data-bbox="607 1535 1143 1577">DIGITAL TARGET MARKETING</p> <p data-bbox="418 1587 1143 1776"><u>Gain insight into members and analyze aggregated data for effective marketing campaigns. reate targeted advertisements within Arya based on specific user data.</u></p>

Claim	CACU
user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.	<p>Attachment 4(Arya Digital Banking)</p> <p>Source: https://www.vsoftcorp.com/download/arya-digital-banking/#</p>

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

10. Defendant has and continue to induce infringement. Defendant 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, Defendant 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. Defendant has and continue to contributorily infringe. Defendant 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, Defendant 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. Defendant 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,

A handwritten signature in blue ink, appearing to read "W.P. Ramey, III", written over a horizontal line.

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