

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

WEPAY GLOBAL PAYMENTS LLC.,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Wepay Global Payments LLC (“Wepay” or “Plaintiff”) brings this patent-infringement action against Bank of America, National Association (“BofA” or “Defendant”).

Nature of the Action

An individual named William Grecia patented an access rights management system. These utility patents, which began to issue in 2013, cover a front-end gatekeeper that monitors a user’s access to his or her digital content stored in the cloud. Mr. Grecia has licensed these patents to technology companies, a bank, and all the major U.S. credit card companies.

Mr. Grecia also practices his invention. He founded a company called Digital Debit®. This company specializes in offering users mobile, contactless payments. As part of Mr. Grecia’s work for Digital Debit®, he patented the ornamental design of the gateway

to the access rights management system on which Grecia obtained utility patents. In other words, Mr. Grecia has obtained design patents that cover a particular look and feel a user experiences before he or she performs a mobile and contactless transaction.

Wepay owns one of these design patents and Bank of America is infringing it.

Parties

1. Plaintiff Wepay is a Delaware limited liability company with its principal business address at 221 N. Broad Street, Suite 3A, Middletown DE, 19709.

2. Upon information and belief, Defendant BofA is a national banking institution incorporated in the State of Delaware with its principal office located in the State of North Carolina. BofA own and operate more than 45 established offices in the Northern District of Illinois.

Jurisdiction and Venue

3. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

4. This Court has personal jurisdiction over BofA because BofA has committed acts giving rise to this action within Illinois and within this judicial district. Defendants regularly do business or solicit business in this District and in Illinois, engage in other persistent courses of conduct and derive substantial revenue from products and services provided in this District and in Illinois, and have purposefully established substantial, systematic, and continuous contacts within this District and should reasonably expect to be sued in a court in this District. For example, BofA has offices within this district. The website bankofamerica.com solicits sales of infringing products to consumers

in this District and in Illinois. Given these contacts, the Court's exercise of jurisdiction over BofA will not offend traditional notions of fair play and substantial justice.

5. Venue in the Northern District of Illinois is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because BofA has regular and established places of business in this District, with over 45 office locations (for example: at **201 S State St, Chicago, IL 60604, and 430 W Roosevelt Rd, Chicago, IL 60607**), has committed acts within this judicial district giving rise to this action, and continues to conduct business in this judicial district, including multiple acts of making, selling, using, and offering for sale infringing products in this District.

The Patent-In-Suit

6. Wepay is the exclusive owner of United States Patent No. D930,702 (the “702 patent”) entitled, “Display screen portion with animated graphical user interface” and was duly and legally issued in accordance with 35 U.S. Code § 171 by the U.S. Patent and Trademark Office on September 14, 2021, attached hereto as “Exhibit A”.

7. The ‘702 patent claim is valid and enforceable and directed to a unique ornamental design for a display screen portion with animated graphic user interface as shown and described.

8. BofA has not obtained permission from Wepay to use the ornamental design of the ‘702 patent.

9. Attached hereto as “Exhibit B” and incorporated into this complaint as alleged herein a side-by-side claim chart setting forth an ornamental design element comparison of the second embodiment of the ‘702 patented design and the accused display screen portion articles made by BofA. The known products infringing the patented design

are the BofA app for iOS and Android mobile devices:

<https://promotions.bankofamerica.com/digitalbanking/mobilebanking/zelle>.

Count I - Infringement of U.S. Patent No. D857,702 Second Embodiment Claim

10. Wepay reasserts and incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

11. BofA has infringed and continues to infringe the second embodiment of the '702 patent by making, using, distributing, offering to sell and/or selling in the United States the BofA mobile products, which embodies the design covered by the '702 patent. BofA infringing activities violate 35 U.S.C. § 271.

Damages

12. Wepay sustains damages as a direct result of BofA's infringement of the '702 patent.

13. As a consequence of BofA's present, continued, and future infringement of the '702 patent, Wepay is entitled to royalties for its infringement of the '702 patent on a forward-going basis.

Prayer for Relief

WHEREFORE, WEPAY GLOBAL PAYMENTS LLC prays for the following relief against Bank of America, N.A.:

- (a) judgment that Bank of America, N.A. has infringed the second embodiment claim of the Asserted Patent, directly and/or indirectly, literally and/or under the standards of substantial similarity;
- (b) awarding damages sufficient to compensate Plaintiff for Defendant's infringement under 35 U.S.C. § 284 or § 289 whichever is deemed greater;

- (c) awarding Plaintiff his costs and expenses incurred in this action;
- (d) awarding Plaintiff prejudgment and post-judgment interest; and
- (e) granting Plaintiff such further relief as the Court deems just and appropriate.

Demand for Jury Trial

WEPAY GLOBAL PAYMENTS LLC demands a trial by jury on all matters and issues triable by jury.

Date: January 7, 2021

/s/Matthew Wawrzyn_____

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