

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

WEPAY GLOBAL PAYMENTS LLC.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Wepay Global Payments LLC (“Wepay” or “Plaintiff”) brings this patent-infringement action against Amazon.com Inc. (“Amazon” or “Defendant”).

Parties

1. Plaintiff 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 is a Delaware corporation, with an established office in the Northern District of Illinois at 227 W Monroe St, Chicago, IL 60606.

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 Amazon because Amazon has committed acts giving rise to this action within Illinois and within this judicial district. Defendant regularly does business or solicits business in this District and in Illinois, engages in other persistent courses of conduct and derive substantial revenue from products and services provided in this District and in Illinois, and has 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, Amazon has offices within this district. The Amazon mobile apps with the accused infringing designs are distributed to consumers in this District and in Illinois. Given these contacts, the Court's exercise of jurisdiction over Amazon 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 Amazon has regular and established places of business in this District at **227 W Monroe St, Chicago, IL 60606**, 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

7. 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".

8. 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.

9. Amazon has not obtained permission from Wepay to use the ornamental design of the '702 patent.

10. 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 Amazon. The known products infringing the patented design are the Amazon app for iOS and Android mobile devices¹.

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

11. Wepay reasserts and incorporates by reference (Exhibit B, pages 2-4) the preceding paragraphs of this Complaint as fully set forth herein.

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

Count II - Infringement of U.S. Patent No. D857,702

13. Wepay reasserts and incorporates by reference (Exhibit B, pages 6-7) the preceding paragraphs of this Complaint as fully set forth herein.

¹ See: <https://apps.apple.com/us/app/amazon-shopping/id297606951> and https://play.google.com/store/apps/details?id=com.amazon.mShop.android.shopping&hl=en_US&gl=US

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

Damages

15. Wepay sustains damages as a direct result of Amazon’s infringement of the ‘702 patent.

15. As a consequence of Amazon’s present, continued, and future infringement of the ‘702 patent, Wepay is entitled to damages recovery 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 AMAZON.COM, Inc.:

- (a) judgment that Amazon has infringed the second and first embodiment claims of the Asserted Patent, directly and/or indirectly, literally and/or under the standards of substantial similarity;
- (b) awarding the Plaintiff, the greater damages amount for Defendant’s infringement under 35 U.S.C. § 284 or 35 U.S.C. § 289 per asserted count;
- (c) post-judgment injunction relief for all products to discontinue the use, making, selling, and export of products infringing the asserted design counts;
- (d) awarding Plaintiff their costs and expenses incurred in this action;
- (e) awarding Plaintiff prejudgment and post-judgment interest; and

(f) granting Plaintiff such further relief as the Court deems just and appropriate.

Demand for Summary Judgment or Jury Trial

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

Date: March 1, 2022

/s/Matthew Wawrzyn

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