

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

FINTECH INNOVATION ASSOCIATES
LLC,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

FINTECH INNOVATION ASSOCIATES LLC (“FIA” or “Plaintiff”) brings this patent-infringement action against Bank of America, National Association (“BofA” or “Defendant”).

Parties

1. Plaintiff FIA is a Delaware limited liability company with its principal business address at 121 Lenora LN, Downingtown PA, 19335.
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

7. FIA is the exclusive owner of United States Patent No. D945,453 (the “453 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 March 8, 2022, attached hereto as “Exhibit A.”

8. The ‘453 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. BofA has not obtained permission from FIA to use the ornamental design of the ‘453 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 ‘453 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. D945,453

11. FIA reasserts and incorporates by reference (Exhibit B, pages 2-5) the preceding paragraphs of this Complaint as fully set forth herein.

12. BofA has infringed and continues to infringe the second embodiment of the ‘453 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 ‘453 patent. BofA infringing activities violate 35 U.S.C. § 271.

Count II - Infringement of U.S. Patent No. D945,453

13. FIA reasserts and incorporates by reference (Exhibit B, pages 7-10) the preceding paragraphs of this Complaint as fully set forth herein.

14. BofA has infringed and continues to infringe the second embodiment of the '453 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 '453 patent. BofA infringing activities violate 35 U.S.C. § 271.

Damages

15. FIA sustains damages as a direct result of BofA's infringement of the '453 patent.

16. As a consequence of BofA's present, continued, and future infringement of the '453 patent, FIA is entitled to a damages award for its infringement of the '453 patent on a forward-going basis.

Prayer for Relief

WHEREFORE, FINTECH INNOVATION ASSOCIATES 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 the greater of 35 U.S.C. § 284 or § 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 Jury Trial

FINTECH INNOVATION ASSOCIATES LLC demands a trial by jury on all matters and issues triable by jury.

Date: March 8, 2022

/s/Matthew Wawrzyn

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