

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WEPAY GLOBAL PAYMENTS LLC,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 6:22-cv-00363

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Wepay Global Payments LLC (“Wepay” or “Plaintiff”) brings this patent-infringement action against Wells Fargo Bank, N.A. (“Wells Fargo” or “Defendant”).

Parties

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

2. Upon information and belief, Defendant Wells Fargo is a national bank with its principal place of business at 420 Montgomery Street, San Francisco, California 94104. On information and belief, in its extensive role as a consumer and business financial institution (whether Commercial Bank, Thrift, or Credit Union), Wells Fargo makes, uses, sells, offers to sell, and otherwise provides its mobile application to consumers throughout the State of Texas, including in this judicial District, and introduces such services into the stream of commerce knowing and intending that they would be extensively used in the State of Texas and in this judicial District. On information and belief, WFB specifically targets customers in the State of Texas and in this judicial District.

3. Defendant may be served through its registered agent in the State of Texas at Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701.

Jurisdiction and Venue

4. 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.

5. This Court has personal jurisdiction over the defendant because Wells Fargo has committed acts giving rise to this action within Texas and within this judicial district. Defendants regularly do business or solicit business in this District and in Texas, engage in other persistent courses of conduct and derive substantial revenue from products and services provided in this District and in Texas, 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, Wells Fargo has offices within this district. The website <https://www.wellsfargo.com> solicits sales of infringing products to consumers in this District and in Texas. Given these contacts, the Court's exercise of jurisdiction over Wells Fargo will not offend traditional notions of fair play and substantial justice.

6. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Wells Fargo has regular and established places of business in this District, for examples: **111 CONGRESS AVE FL 1 STE 150 AUSTIN, TX, 78701**, **501 S CONGRESS AVE AUSTIN, TX, 78704**, and **605 W 15TH ST AUSTIN, TX, 78701**. Wells Fargo has committed acts within this judicial district giving rise to this action, and continues to represent and conduct its mobile app business sales and support in this judicial district, including multiple counts

of making, selling, using, importing and/or offering for sale infringing products in this District. See “https://www.wellsfargo.com/locator” search “Austin, Travis County, TX” for the full list.

WELLS FARGO Sign On Customer Service ATMs/Locations Español Search

ATM and Banking Locations - Search Results Print

Find a Wells Fargo location
 Austin, Travis County, TX
 Search

Narrow Your Search

- Bank Drive Up
- Bank Only
- ATM Drive Up
- Bank Within a Location
- 24-Hour ATM
- Open Saturday
- Safe Deposit Boxes
- Make an Appointment
- Notary Service
- Foreign Currency Exchange

2 Bank + ATM | 0.58 miles
RIVERSIDE & CONGRESS
 501 S CONGRESS AVE
 AUSTIN, TX, 78704
 Phone: 512-344-8239
[Services and Information](#)
 Make an Appointment
[Get directions](#)

Lobby Hours
 Mon-Fri 09:00 AM-05:00 PM
 Sat-Sun closed

Drive-Up Hours
 Mon-Fri 09:00 AM-05:00 PM
 Sat-Sun closed

ATMs (1)
 24 hours

ATM Deposit Cutoff
 Mon-Fri 09:00 PM same day
 Sat-Sun & holidays: Next business day

3 Bank + ATM | 0.93 miles
WEST 15TH & NUECES
 605 W 15TH ST
 AUSTIN, TX, 78701
 Phone: 512-236-3010
[Services and Information](#)
 Make an Appointment
[Get directions](#)

Lobby Hours
 Mon-Fri 09:00 AM-05:00 PM
 Sat-Sun closed

Drive-Up Hours
 Mon-Fri 09:00 AM-05:00 PM
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ATMs (1)
 24 hours

ATM Deposit Cutoff
 Mon-Fri 09:00 PM same day
 Sat-Sun & holidays: Next business day

Map showing location markers 1 through 25 across Austin, TX.

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. Wells Fargo has not obtained permission from Wepay to use the ornamental design of the ’702 patent in its mobile application product.

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 Wells Fargo. The known accused product is made, used, sold, and offered for sale by Wells Fargo is the Wells Fargo mobile app which comprises a design of a display screen portion with an animated graphical user interface. The side-by-side claim chart and evidentiary facts shall support this claim of infringement.

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

11. Wepay reasserts and incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein in attached Exhibit B.1 within this Count I.

12. Wells Fargo has infringed and continues to infringe the second embodiment of the ’702 patent by manufacturing, importing, using, distributing, offering to sell and/or selling in the United States the Wells Fargo mobile app, which embodies the design covered by the ’702 patent. Wells Fargo infringing activities violate 35 U.S.C. § 271.

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

11. Wepay reasserts and incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein in attached Exhibit B.2 within this Count II.

12. Wells Fargo has infringed and continues to infringe the second embodiment of the ’702 patent by manufacturing, importing, using, distributing, offering to sell and/or selling in the United States the Wells Fargo mobile app, which embodies the design covered by the ’702 patent. Wells Fargo infringing activities violate 35 U.S.C. § 271.

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

11. Wepay reasserts and incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein in attached Exhibit B.3 within this Count III.

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

Damages

13. Wepay sustains damages as a direct result of Wells Fargo's infringement of the '702 patent.

14. As a consequence of Wells Fargo's present, continued, and future infringement of the '702 patent, Wepay is entitled to the greater of Section 284 or 289 damages 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 WELLS FARGO N.A.:

- (a) judgment that Wells Fargo has infringed three (3) counts of the second embodiment claim 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;
- (c) awarding Plaintiff his costs and expenses incurred in this action;

- (d) granting Plaintiff an injunction to cease and prevent further infringement of the Wells Fargo mobile app;
- (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

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

Respectfully Submitted,

Date: April 11, 2022

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