

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIEWLOGIC WIRELESS LLC,

Plaintiff,

v.

COMERICA BANK,

Defendant.

Civil Action No. 2:24-cv-200

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff Viewlogic Wireless LLC (“Viewlogic” or “Plaintiff”) files this Original Complaint for patent infringement against Comerica Bank (“Comerica” or “Defendant”) and alleges as follows:

THE PARTIES

1. Plaintiff Viewlogic Wireless LLC is a limited liability company formed under the laws of the State of Delaware, with a principal place of business at 101 East Park Boulevard, Plano, Texas 75074.

2. Upon information and belief, Defendant Comerica Bank is a regional commercial banking association formed under the laws of the United States. Upon information and belief, Defendant has a principal place of business at 411 West Lafayette Boulevard, Detroit, Michigan 48226. Upon information and belief, Defendant has a regular and established place of business in this District at 3310 Premier Road, Plano, Texas 75023.

3. Upon information and belief, Defendant is the banking subsidiary of the financial services holding corporation Comerica Incorporated, a Delaware corporation.

4. Upon information and belief, Defendant has registered to conduct business in the State of Texas since at least February 10, 1984.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court may properly exercise personal jurisdiction over Defendant because Defendant has engaged in systematic and continuous business activities within the State of Texas, thereby directly giving rise to the claims of infringement alleged herein. Furthermore, Defendant is registered to conduct business in the State of Texas.

7. Venue is proper in this District under 28 U.S.C. § 1400(b), as Defendant has committed and/or induced acts of infringement and has a regular and established place of business in this District.

THE VIEWLOGIC PATENTS

8. Viewlogic Wireless is engaged in the research, design, and development of financial based technologies for equity research and consumer private wealth management.

9. United States Patent Nos. 8,483,754 (“’754 Patent”), 8,818,451 (“’451 Patent”), 9,392,216 (“’216 Patent”), 10,140,514 (“’514 Patent”), 10,691,948 (“’948 Patent”), 10,755,101 (“’101 Patent”), and 11,455,799 (“’799 Patent”) (collectively, “Viewlogic Patents”) stem from the innovations of Sunil K. Rao and Raman K. Rao, the named inventors. Generally, the Viewlogic Patents disclose mobile communication systems and methods for image networks. Of the Viewlogic Patents in the family, Plaintiff currently asserts the ‘754 Patent, the ‘451 Patent, the ‘216 Patent, and the ‘514 Patent (collectively, “Asserted Patents”).

10. The '754 Patent is titled "Image Networks For Mobile Communication" and has an earliest effective filing date of January 30, 2004. The '754 Patent was duly issued by the United States Patent and Trademark Office ("USPTO") on July 9, 2013. The '754 Patent is presumed valid and enforceable under 35 U.S.C. § 282. The '754 Patent is attached as Exhibit A.

11. The '754 Patent discloses a mobile communication system based on images, enabling communication between a plurality of mobile devices and servers, wherein the images have associated additional properties in the nature of voice, audio, data and other information. The system further enabling the formation of one or more image networks wherein the images are stored, organized, connected and linked to each other by one or more methods inclusive of one to one connection between images, a hierarchical connection between images and or other methods of connection between images to facilitate efficient image based communication between mobile devices, stationary devices and servers based on the mobile device identification, mobile device specific profiles and user specific profiles. The imaged base network system further having the ability to learn and form intelligent association between objects, people and other entities; between images and the associated data relating to both animate and inanimate entities for intelligent image based communication in a network.

12. The '754 Patent comprises six (6) independent claims and thirty-seven (37) dependent claims. The claims of the '754 Patent comprise various mobile communications systems for image networks or images, a system for interaction with virtual and physical items using a mobile device, and a mobile image recognition system.

13. The '451 Patent is titled "Image Networks For Mobile Communication" and has an earliest effective filing date of January 30, 2004. The '451 Patent was duly issued by the USPTO

on August 26, 2014. The '451 Patent is presumed valid and enforceable under 35 U.S.C. § 282. The '451 Patent is attached as Exhibit B.

14. The '451 Patent discloses a mobile communication system based on images, enabling communication between a plurality of mobile devices and servers, wherein the images have associated additional properties in the nature of voice, audio, data and other information. The system further enabling the formation of one or more image networks wherein the images are stored, organized, connected and linked to each other by one or more methods inclusive of one to one connection between images, a hierarchical connection between images and or other methods of connection between images to facilitate efficient image based communication between mobile devices, stationary devices and servers based on the mobile device identification, mobile device specific profiles and user specific profiles. The imaged base network system further having the ability to learn and form intelligent association between objects, people and other entities; between images and the associated data relating to both animate and inanimate entities for intelligent image based communication in a network.

15. The '451 Patent comprises six (6) independent claims and thirty-seven (37) dependent claims. The claims of the '451 Patent comprise various mobile communications systems for image networks, a mobile communications system for images, a system for interaction with virtual and physical items using a mobile device, and a mobile image recognition system.

16. The '216 Patent is titled "Image Networks For Mobile Communication" and has an earliest effective filing date of January 30, 2004. The '216 Patent was duly issued by the USPTO on July 12, 2016. The '216 Patent is presumed valid and enforceable under 35 U.S.C. § 282. The '216 Patent is attached as Exhibit C.

17. The '216 Patent discloses a mobile communication system based on images, enabling communication between a plurality of mobile devices and servers, wherein the images have associated additional properties in the nature of voice, audio, data and other information. The system further enabling the formation of one or more image networks wherein the images are stored, organized, connected and linked to each other by one or more methods inclusive of one to one connection between images, a hierarchical connection between images and or other methods of connection between images to facilitate efficient image based communication between mobile devices, stationary devices and servers based on the mobile device identification, mobile device specific profiles and user specific profiles. The imaged base network system further having the ability to learn and form intelligent association between objects, people and other entities; between images and the associated data relating to both animate and inanimate entities for intelligent image based communication in a network.

18. The '216 Patent comprises six (6) independent claims and thirty-seven (37) dependent claims. The claims of the '216 Patent comprise various mobile communications systems for image networks, a mobile communications system for images, a system for interaction with virtual and physical items using a mobile device, and a mobile image recognition system.

19. The '514 Patent is titled "Image Networks For Mobile Communication" and has an earliest effective filing date of January 30, 2004. The '514 Patent was duly issued by the USPTO on November 27, 2018. The '514 Patent is presumed valid and enforceable under 35 U.S.C. § 282. The '514 Patent is attached as Exhibit D.

20. The '514 Patent discloses image based communication between mobile devices and servers. Propagating an image entity to a specific device/user and or to a plurality of devices/user enabling the people networks to be viable. The digital image entity comes into existence at a

specified time, exists for a desired duration of time, and ceases to exist at a set time. A virtual network of people joined together for a specific purpose such as social networks, professional networks, enterprise networks, family networks, friends networks and other networks. Each user in such people networks has one or more profiles and is enabled to form multiple people networks. Each image entity further comprises of one or more sub image entities that are connected to a specific image entity by their own sub relationships. The visual experience is formed by viewing a series of super images that are refreshed and updated at an optimal frequency.

21. The '514 Patent comprises three (3) independent claims and twenty-six (26) dependent claims. The claims of the '514 Patent comprise a mobile device associated with a user affiliated with a virtual network, a non-transitory computer readable storage medium that stores a set of instructions that are executable by at least one processor of mobile device to cause the mobile device to perform a method, and a method performed by at least an application of a mobile device having one or more processors.

22. Plaintiff is the owner by assignment of all rights in the Asserted Patents, including the sole and exclusive right to enforce the Asserted Patents against infringers, and to collect damages for all relevant times.

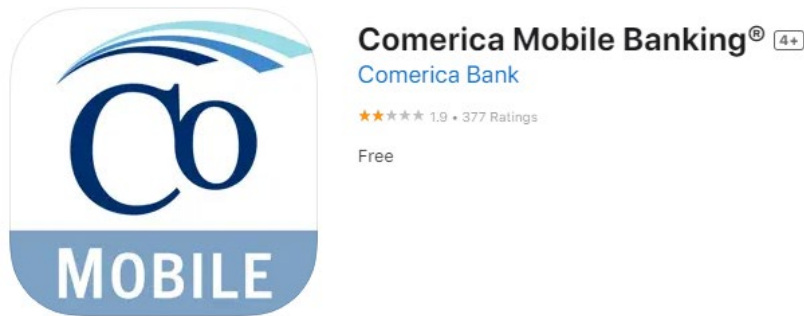
23. Plaintiff and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law.

24. Defendant has had knowledge of infringement of the Asserted Patents by the Accused Products since at least the filing of the Complaint.

THE ACCUSED PRODUCT

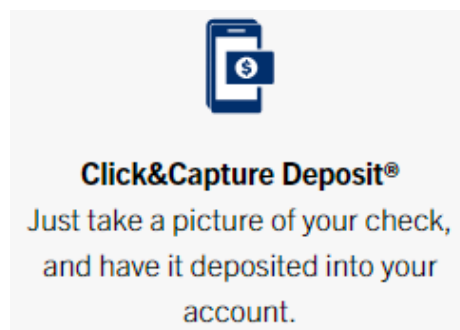
25. Upon information and belief, Defendant is the developer of the mobile banking application known as "Comerica Mobile Banking" with "Click&Capture Deposit" function

(“Accused Product”) that infringes upon various system and method claims of the Asserted Patents. The Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks and to practice a method directed to the same.

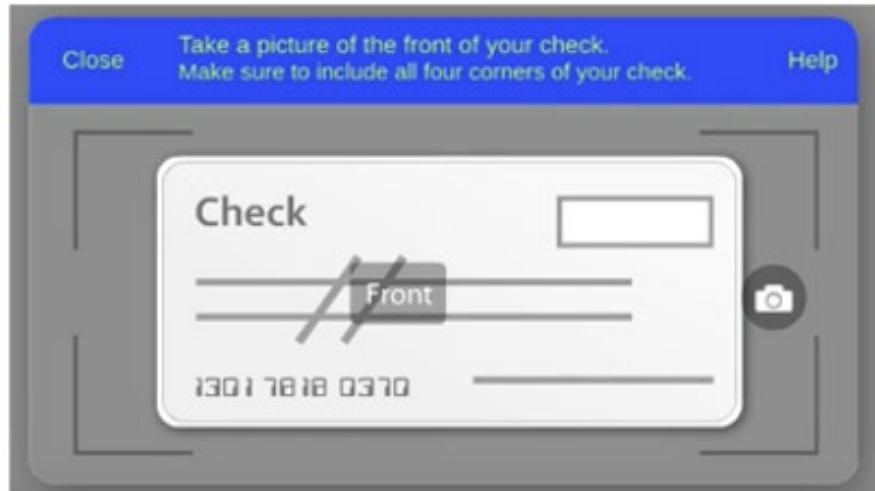


26. The Accused Product is a mobile banking application available for download on the Apple App Store and the Google Play Store. The Accused Product is available for select mobile devices such as the Apple iPhone and iPad devices and various Android devices. The Accused Product offers mobile banking and money management via various functions, including: Click&Capture Deposit; sending money with Zelle; transferring funds; and checking balances. Users can enroll in Click&Capture Deposit on the Comerica mobile banking application.

27. Comerica Click&Capture Deposit is used to deposit user checks with a click. The user can simply take a picture of both sides of an endorsed check using the user’s device and deposit it into the user’s Comerica account. Click&Capture Deposit removes the need for deposit slips and trips to the bank. Click&Capture Deposit is designed to be fast, safe, and easy.



28. To perform the Comerica Click&Capture Deposit function, the user first opens the Comerica Mobile App and logs in. At the bottom of the app, the user clicks on the Deposit icon and then selects new deposit. The user selects an account to deposit a check into and enters the amount. The user then takes a picture of both sides of the endorsed check with the user's smartphone or iPad. The user then verifies the deposit, clicks submit and receives a confirmation that the check has been deposited with the Comerica network servers. After submission, the deposit history can be viewed by the user on the mobile banking application. See <https://onlinebanktours.com/mobile/?b=2100&c=169511>.



COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,483,754

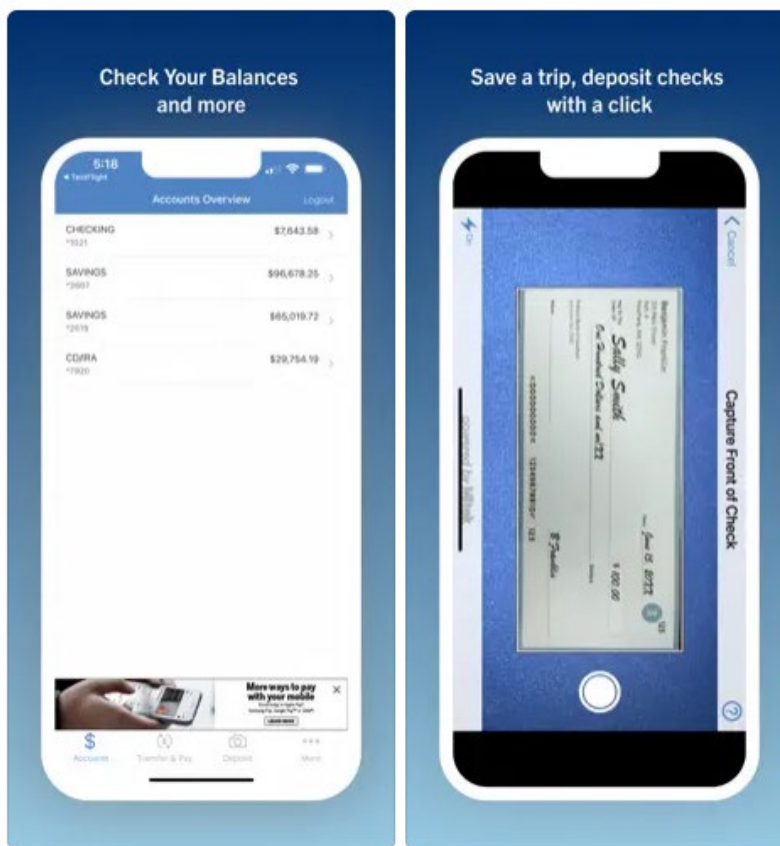
29. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

30. In violation of 35 U.S.C. § 271(a), Defendant develops, makes, and/or uses the Accused Product which infringes one or more claims of the '754 Patent, either literally or under the doctrine of equivalents. For example, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system

for image networks which meets each and every limitation of at least claims 1 and/or 25 of the '754 Patent.

31. With regard to exemplary claim 1, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks comprising:

[1A] a mobile device configured to communicate via at least one communications network,



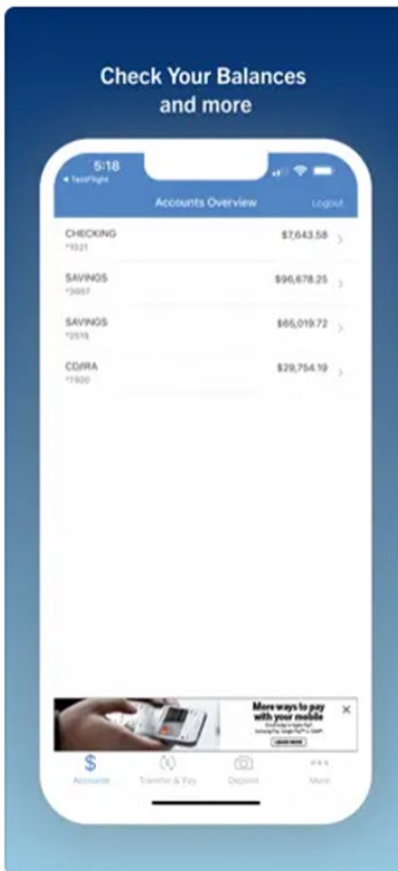
[1B] the mobile device further configurable to perform one or more of computing functions or voice communication functions,

Save a trip, deposit checks with a click.

With Click&Capture Deposit®, simply take a picture of both sides of your endorsed check using your device, and deposit it into your Comerica account.¹ No more deposit slips or trips to the bank. It's fast, safe and easy!

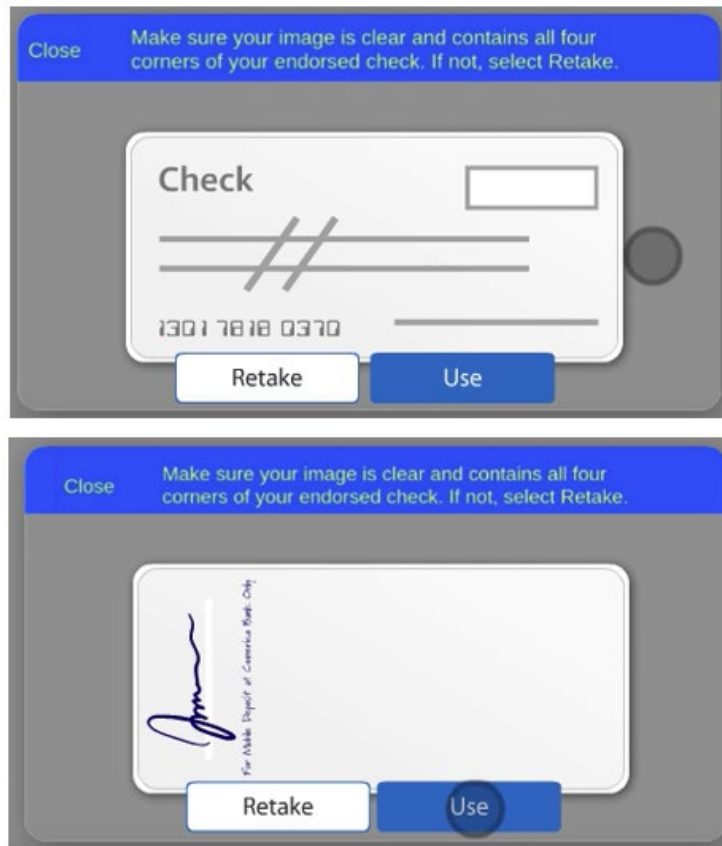
1. Open the Comerica Mobile App and log in.
2. At the bottom of the app, click on the Deposit icon and then select new deposit.
3. Select an account to deposit your check and the amount.
4. Sign the back of your check and write **"For Mobile Deposit at Comerica Bank Only"** below your signature. (Or, if available, check the box on the back of your check that reads: "Check here if mobile deposit.")
5. Take a picture of both sides of your endorsed check with your smartphone or iPad.
6. Verify your deposit, click submit and you'll receive a confirmation that your check has been deposited.
7. Once you receive confirmation that your check has been deposited, write **"Deposited via Click&Capture Deposit"** along with the date of the deposit on the front of your check. When you see the full check amount deposited into your account, please retain your check for ten (10) additional calendar days. Afterwards, securely destroy the check by shredding it.

[1C] the mobile device configured with a display,



[1D] and configurable to acquire and process a plurality of images, wherein the plurality of images comprise still images and video images, and wherein at least one image of the plurality of images is displayed on the mobile device display, and wherein a function is

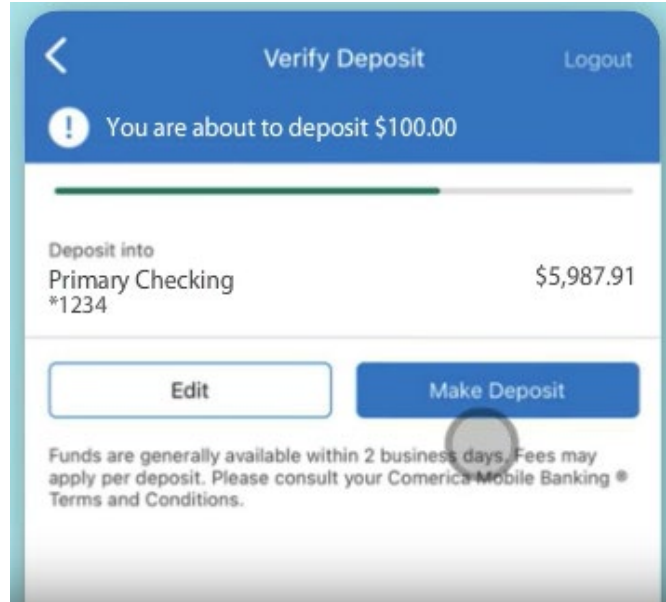
configured to automatically display information which corresponds to an object represented in the at least one image,



[1E] wherein the object is a physical object separate from the mobile device,



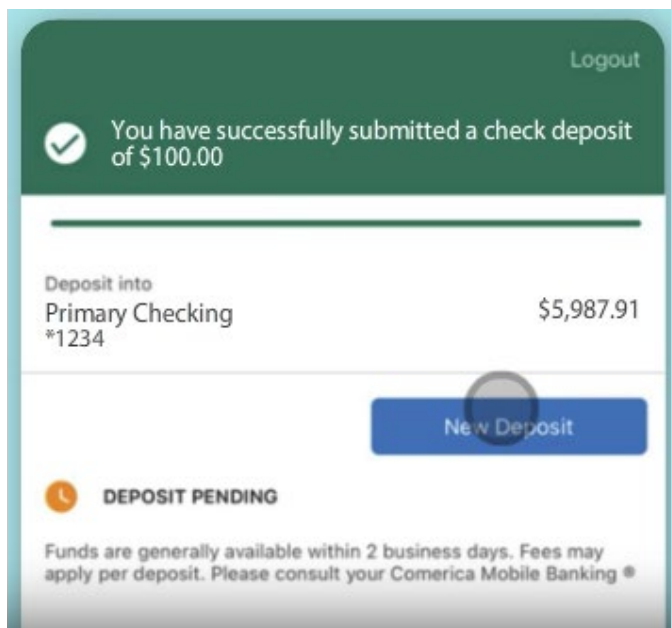
[1F] wherein the image is linked through a relationship to related data defined by a user or past user behavior stored on a server or the mobile device,



[IG] wherein the mobile device acquires the images via a camera or image sensor in real time; and,

5. Take a picture of both sides of your endorsed check with your smartphone or iPad.

[IH] at least one network server, the server configurable to store the plurality of images, the server configured to receive an image from the mobile device, the server configured to associate each received image with a plurality of data comprising one or more of text data, voice data, mobile device profile data, user profile data, or location data.



32. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

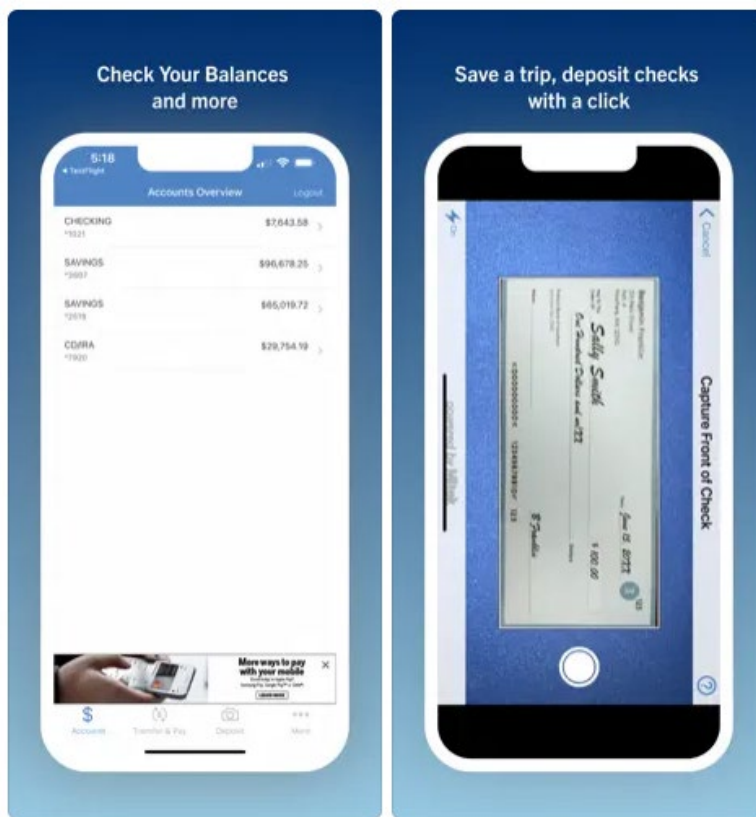
COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,818,451

33. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

34. In violation of 35 U.S.C. § 271(a), Defendant develops, makes, and/or uses the Accused Product which infringes one or more claims of the ‘451 Patent, either literally or under the doctrine of equivalents. For example, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks which meets each and every limitation of at least claims 1 and/or 25 of the ‘451 Patent.

35. With regard to exemplary claim 1, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks comprising:

[1A] a mobile device configured to communicate via at least one communications network,



[1B] the mobile device further configurable to perform one or more of computing functions or voice communication functions,

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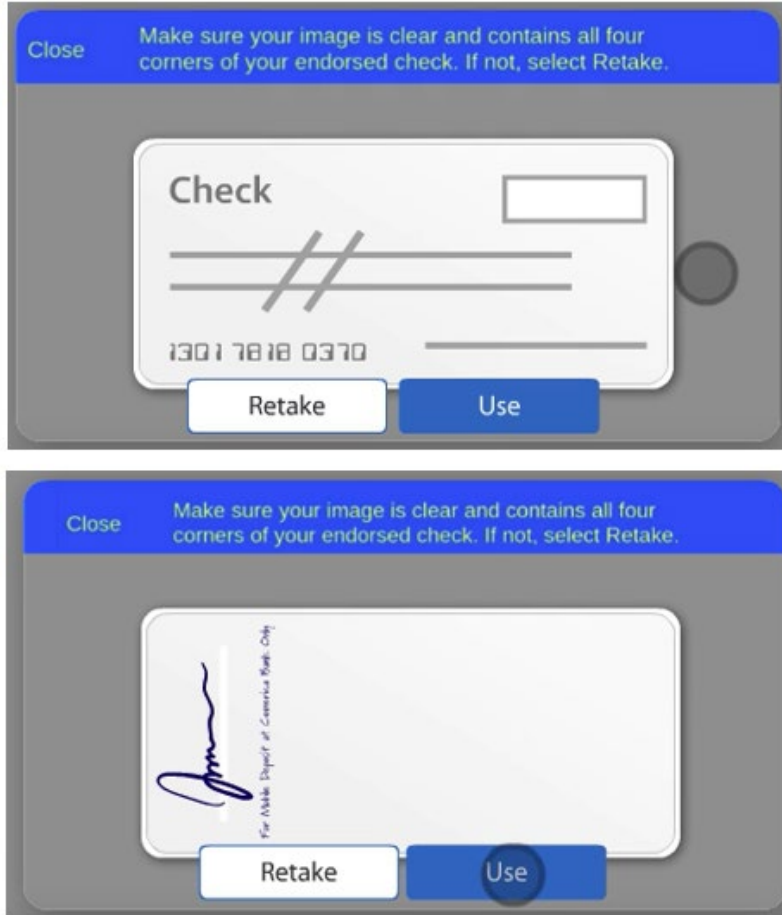
With Click&Capture Deposit®, simply take a picture of both sides of your endorsed check using your device, and deposit it into your Comerica account.¹ No more deposit slips or trips to the bank. It's fast, safe and easy!

1. Open the Comerica Mobile App and log in.
2. At the bottom of the app, click on the Deposit icon and then select new deposit.
3. Select an account to deposit your check and the amount.
4. Sign the back of your check and write **"For Mobile Deposit at Comerica Bank Only"** below your signature. (Or, if available, check the box on the back of your check that reads: "Check here if mobile deposit.")
5. Take a picture of both sides of your endorsed check with your smartphone or iPad.
6. Verify your deposit, click submit and you'll receive a confirmation that your check has been deposited.
7. Once you receive confirmation that your check has been deposited, write **"Deposited via Click&Capture Deposit"** along with the date of the deposit on the front of your check. When you see the full check amount deposited into your account, please retain your check for ten (10) additional calendar days. Afterwards, securely destroy the check by shredding it.

[1C] the mobile device configured with a display,



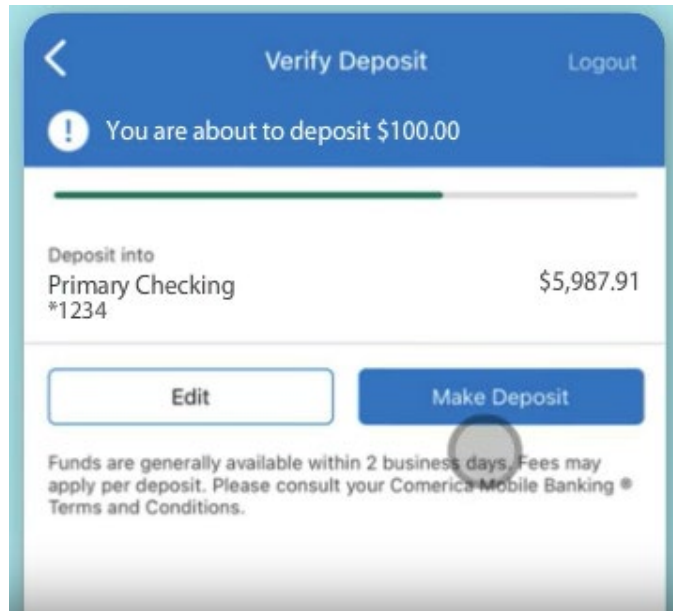
[1D] and configurable to acquire and process a plurality of images, wherein the plurality of images comprise still images and video images, and wherein at least one image of the plurality of images is displayed on the mobile device display, and wherein a function is configured to automatically display information which corresponds to an object represented in the at least one image,



[1E] wherein the object is a physical object separate from the mobile device,



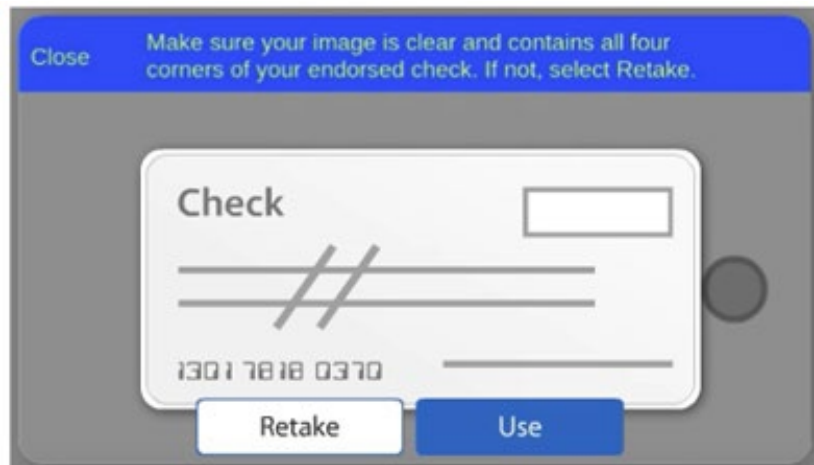
[1F] wherein the image is linked through a relationship to related data defined by a user or past user behavior stored on a server or the mobile device,



[IG] wherein the mobile device acquires the images via a camera or image sensor in real time,

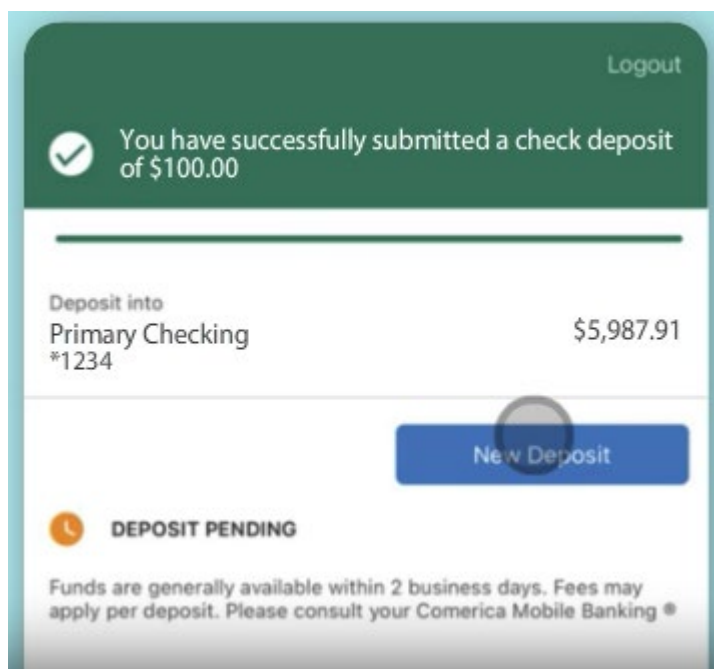
5. Take a picture of both sides of your endorsed check with your smartphone or iPad.

[IH] wherein a set of functions or a toolbar of functions are overlaid or displayed on top on the image display; and



[II] at least one network server, the server configurable to store the plurality of images, the server configured to receive an image from the mobile device, the server configured to

associate each received image with a plurality of data comprising one or more of text data, voice data, mobile device profile data, user profile data, or location data.



36. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

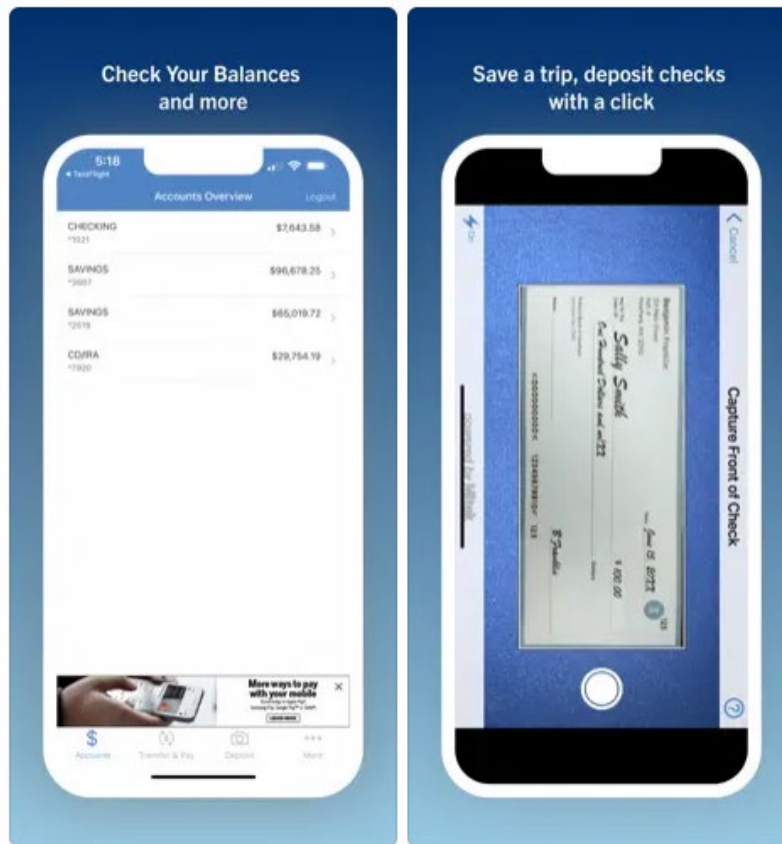
COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,392,216

37. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

38. In violation of 35 U.S.C. § 271(a), Defendant develops, makes, and/or uses the Accused Product which infringes one or more claims of the ‘216 Patent, either literally or under the doctrine of equivalents. For example, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks which meets each and every limitation of at least claims 1 and/or 25 of the ‘216 Patent.

39. With regard to exemplary claim 1, the Accused Product operates in conjunction with a mobile device with a camera and a network server to constitute a mobile communications system for image networks comprising:

[1A] a mobile device configured to communicate via at least one communications network,



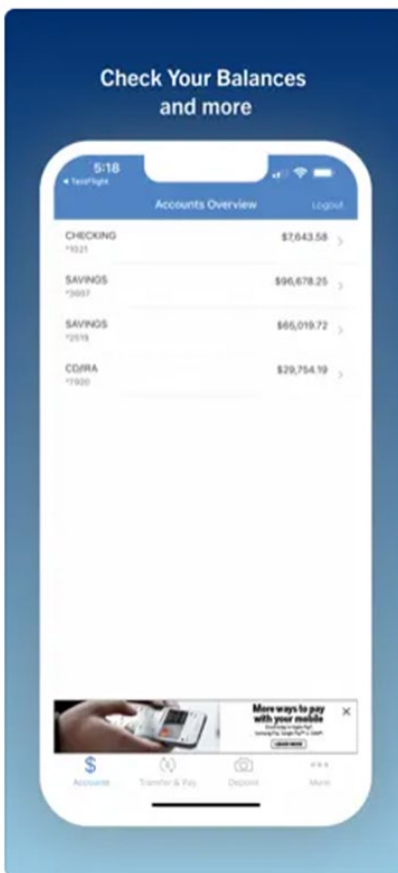
[1B] the mobile device further configurable to perform one or more of computing functions or voice communication functions,

Save a trip, deposit checks with a click.

With Click&Capture Deposit®, simply take a picture of both sides of your endorsed check using your device, and deposit it into your Comerica account.¹ No more deposit slips or trips to the bank. It's fast, safe and easy!

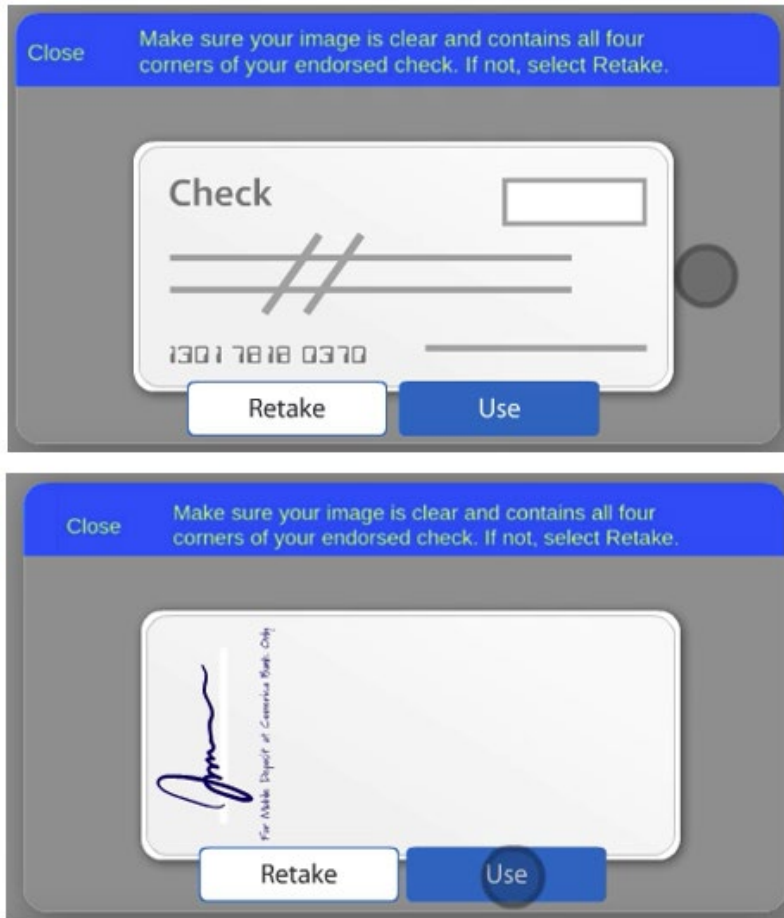
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[1C] the mobile device configured with a display,



[1D] and configurable to acquire and process a plurality of images, wherein the plurality of images comprise still images and video images, and wherein at least one image of the plurality of images is displayed on the mobile device display, and wherein a function is

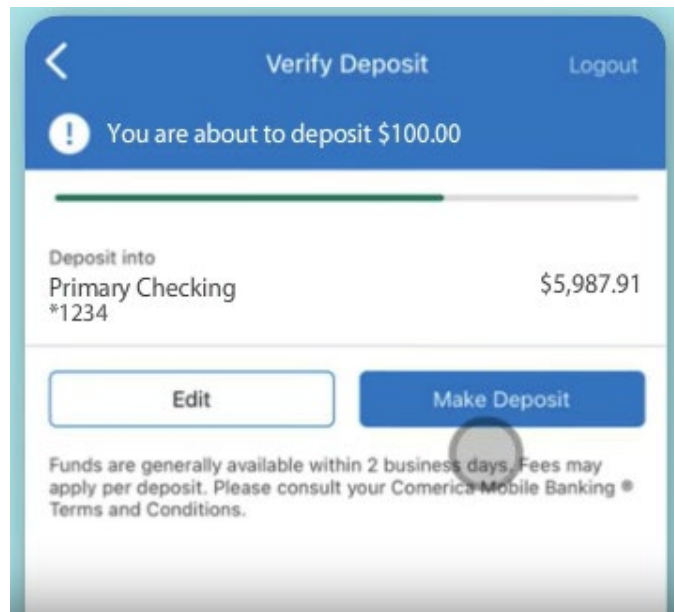
configured to automatically display information which corresponds to an object represented in the at least one image,



[1E] wherein the object is a physical object separate from the mobile device,



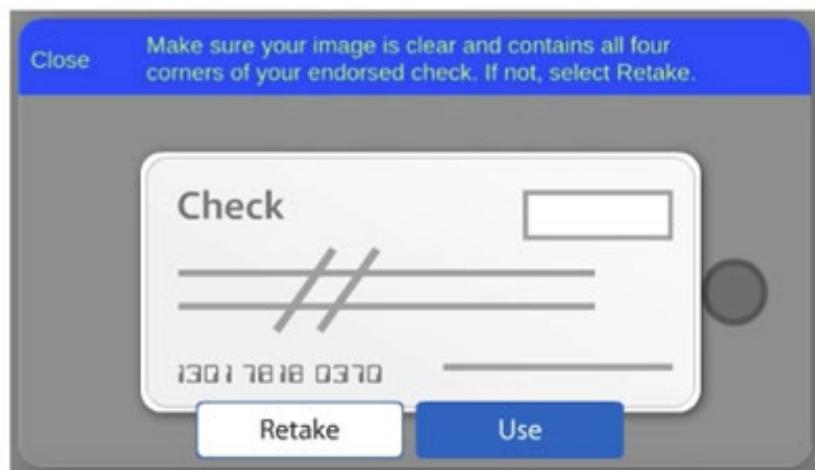
[1F] wherein the image is linked through a relationship to related data defined by a user or past user behavior stored on a server or the mobile device,



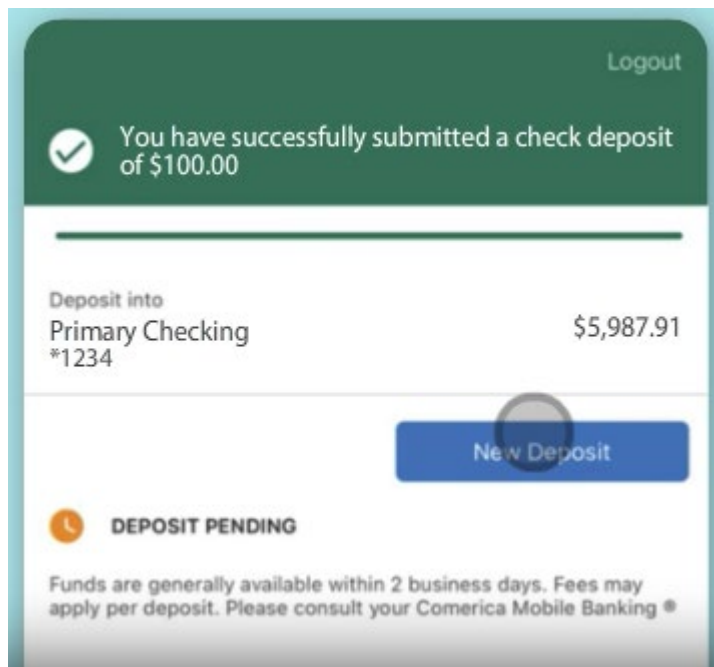
[1G] wherein the mobile device acquires the images via a camera or image sensor in real time,

5. Take a picture of both sides of your endorsed check with your smartphone or iPad.

[1H] wherein a set of functions or a toolbar of functions are overlaid or displayed on top on the image display, wherein text is overlaid on top of the plurality of image; and



[11] at least one network server, the server configurable to store the plurality of images, the server configured to receive an image from the mobile device, the server configured to associate each received image with a plurality of data comprising one or more of text data, voice data, mobile device profile data, user profile data, or location data.



40. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 10,140,514

41. Plaintiff hereby re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs.

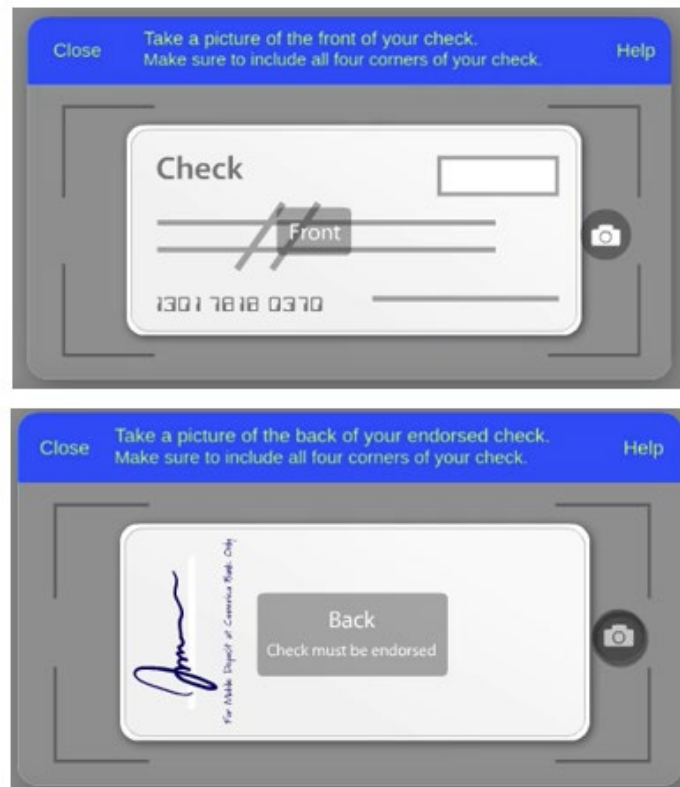
42. In violation of 35 U.S.C. § 271(a), Defendant and its customers use the Accused Product which infringes one or more claims of the '514 Patent, either literally or under the doctrine of equivalents. For example, the Accused Product operates in conjunction with a mobile device with a camera and a network server to practice a method directed to a mobile communications

system for image networks which meets each and every limitation of at least claim 21 of the '514 Patent.

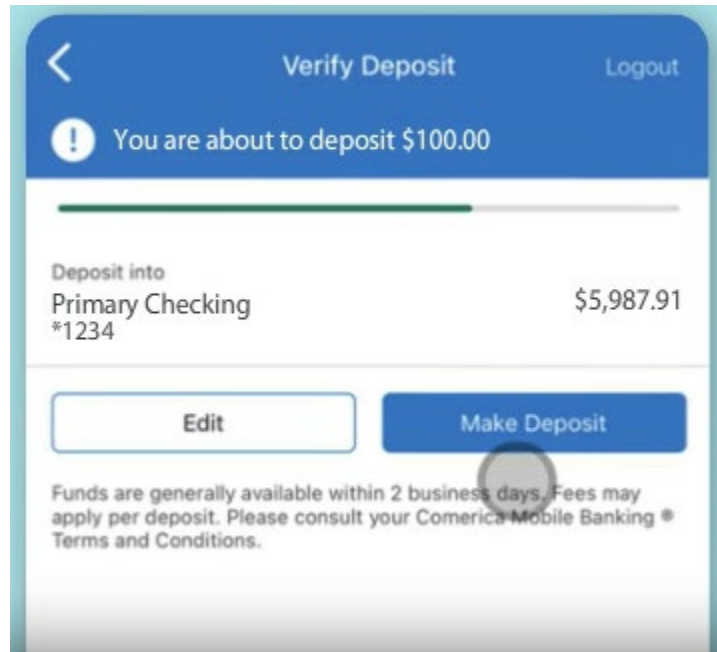
43. Specifically, Defendant and its customers have directly infringed at least method claim 21 of the '514 Patent by using the Accused Products, at least in the manner of internal testing and development within the United States. For example, Defendant practiced every limitation of method claim 21 at least when the Accused Products were internally tested and developed by Defendant. Furthermore, Defendant's customers have infringed at least method claim 21 when using the Accused Products in their customary manner.

44. With regard to exemplary claim 21, the Accused Product is an application of a mobile device having one or more processors and performs the following:

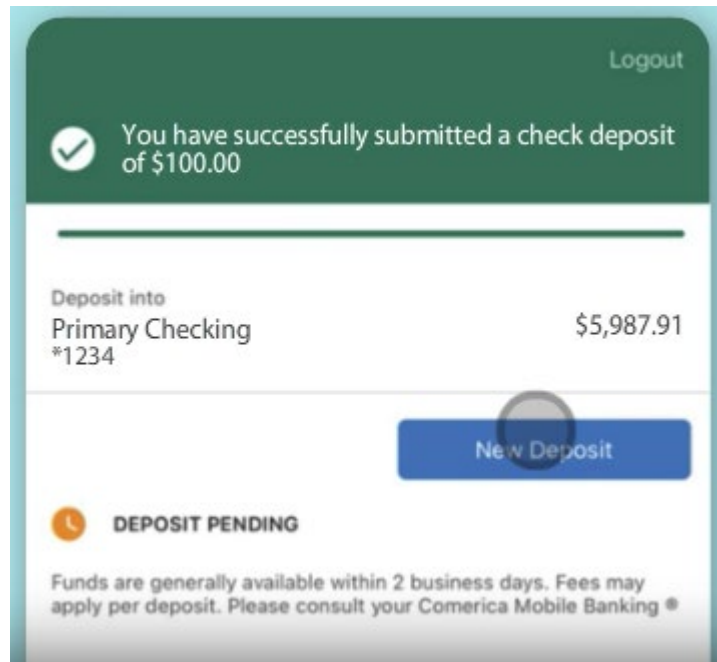
[1A] acquiring an image using an interface to one or more cameras of the mobile device;



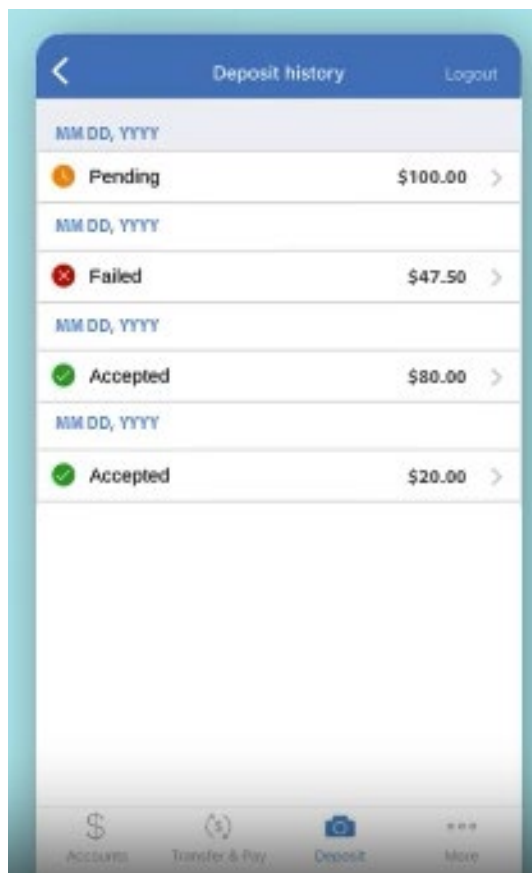
[1B] constructing an image entity using the acquired image, one or more other images, and an image profile of the acquired image;



[1C] transmitting the image entity to one or more servers to update and/or refresh display of the constructed image entity,



[1D] wherein the constructed image entity is accessible to one or more recognized users of a virtual network via one or more client devices through applications in communication with the one or more servers.



45. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to recover damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants and its customers, together with interest and costs as fixed by the court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- A. That a judgment be entered that Defendant has infringed at least one or more claims of the Asserted Patents, directly and/or indirectly, literally and/or under the doctrine of

- equivalents;
- B. An award of damages sufficient to compensate Plaintiff for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willfully induced infringement;
 - C. That the case be found exceptional under 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorney fees;
 - D. Costs and expenses in this action;
 - E. An award of prejudgment and post-judgment interest; and
 - F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury on all issues triable by jury.

DATED: March 16, 2024

Respectfully submitted,

By: /s/ Nicholas Najera
Hao Ni
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hn@nilawfirm.com
Nicholas Najera
Texas Bar No. 24127049
nnajera@nilawfirm.com

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Dallas, TX 75231
Tel: (972) 331-4600
Fax: (972) 314-0900

*COUNSEL FOR PLAINTIFF
VIEWLOGIC WIRELESS LLC*