

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

FACTOR 2 MULTIMEDIA SYSTEMS, LLC,  
Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,  
Defendant

CIVIL ACTION NO.

24-cv-2872

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Factor2 Multimedia Systems, LLC (“Factor2” or “Plaintiff”), by and through its undersigned counsel, alleges as follows for its Complaint against Defendant U.S. Bank National Association (“USBNA” or “Defendant”).

**THE NATURE OF THIS ACTION**

2. Factor2 brings this action against USBNA pursuant to 35 U.S.C. § 101 et. seq. and §§ 271, 281, 283, 284, & 285 inclusive, for infringement of one or more claims of the following six patents, U.S. Patent Nos.:

8,281,129 “Direct Authentication System and Method Via Trusted Authenticators,”  
9,703,938 “Direct Authentication System and Method Via Trusted Authenticators,”  
9,727,864 “Centralized Identification and Authentication System and Method,”  
9,870,453 “Direct Authentication System and Method Via Trusted Authenticators,”  
10,083,285 “Direct Authentication System and Method Via Trusted Authenticators” and  
10,769,297 “Centralized Identification and Authentication System and Method.”

Collectively the “Patents-in-Suit.” Defendant has infringed the Patents-in-Suit, thereby necessitating this lawsuit.

3. Defendant makes, uses, develops, offers for use, provides access to and charges access to the Accused Instrumentalities throughout the United States. As set forth in more detail

below, the Accused Instrumentalities include the Zelle System, as well as apparatuses associated with the digital and on-line operations of USBNA giving access to banking, apart from the Zelle System offered by USBNA. The Accused Instrumentalities include authentication methods, apparatuses, systems and/or protocols that directly infringe the system and method claims of the Patents-in-Suit. The Accused Instrumentalities include systems that include all of the elements of the system and apparatus claims and that perform all of the steps of the method claims, and or utilize a separate system for authentication that includes all of the elements of the system and apparatus claims and that performs all of the method claims. Defendant's "use" of a built in or separate system directly infringes the claims of the Patents-in-Suit. Defendant's inducement of others to authenticate using a system and/or method that infringes the claims of the Patents-in-Suit indirectly infringes the claims of the Patents-in -Suit. Defendant's contribution of elements of the infringing system indirectly infringes by contributing to infringement.

### **THE PARTIES**

4. Plaintiff is a Virginia corporation having an address located at 5802 Orchard Hill Ln, Clifton, VA 20124-1061. Plaintiff is the owner of the Patents-in-Suit by assignment.

5. Defendant U.S. Bank National Association has offices throughout the Dallas Area, including at 15110 Dallas Parkway, Dallas Texas, 75248; 13737 Noel Road, Suite# 800, Dallas, TX 75240; and a corporate office at 1255 Corporate Dr, Irving, TX 75038. Upon information and belief, USBNA is incorporated in Cincinnati, Ohio. USBNA makes, uses, develops, offers for use, provides access to and charges access to, develops, offers for use, and sells the Zelle System as well as infringing internet website and application for USBNA customers throughout the United States for access to on-line banking. USBNA designs and provides distribution to each of the Accused Instrumentalities referenced above.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. § 271 et seq.

7. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. §§ 271, 281 and 28 U.S.C. §§ 1331 and 1338(a), federal question.

8. This Court has personal jurisdiction over Defendant USBNA because USBNA has several regular and established places of business in this district.

9. Venue is proper in this District for Defendant pursuant to 28 U.S.C. §§ 1400(a), 1400(b) and because Defendant maintains a regular and established place of business in this District and has committed acts of infringement, including, development, support, use, sale, and offers for use of infringing products.

### **BACKGROUND AND GENERAL ALLEGATIONS**

10. Factor2 is the current assignee of the Patents-in-Suit

11. Defendant provide and sell access to the Accused Instrumentalities.

12. The Accused Instrumentalities uses a system and method for authentication that infringes claims of each of the Patents-in-Suit.

### **THE PATENTS-IN-SUIT**

13. On October 2, 2012, United States Patent No. 8,281,129 (“the ’129 Patent”) titled “Direct Authentication System And Method Via Trusted Authenticators,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The ’129 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ’129 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for

infringement of the '129 Patent. Defendant is not licensed to the '129 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '129 Patent whatsoever. A true and correct copy of the '129 Patent is attached hereto as **Exhibit A**.

14. On July 11, 2017, United States Patent No. 9,703,938 (“the '938 Patent”) titled “Direct Authentication System And Method Via Trusted Authenticators” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The '938 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '938 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '938 Patent. Defendant is not licensed to the '938 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '938 Patent whatsoever. A true and correct copy of the '938 Patent is attached hereto as **Exhibit B**.

15. On July 19, 2017, United States Patent No. 9,727,864 (“the '864 Patent”) titled “Centralized Identification and Authentication System and Method” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The '864 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '864 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '864 Patent. Defendant is not licensed to the '864 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '864 Patent whatsoever. A true and correct copy of the '864 Patent is attached hereto as **Exhibit C**.

16. On December 27, 2017, United States Patent No. 9,870,453 (“the '453 Patent”) titled “Direct Authentication System and Method Via Trusted Authenticators,” was duly and

legally issued by the United States Patent and Trademark Office (“USPTO”). The ’453 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ’453 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the ’453 Patent. Defendant is not licensed to the ’453 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ’453 Patent whatsoever. A true and correct copy of the ’453 Patent is attached hereto as **Exhibit D**.

17. On September 5, 2018, United States Patent No. 10,083,285 (“the ’285 Patent”) titled “Direct Authentication System and Method Via Trusted Authenticators,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The ’285 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ’285 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the ’285 Patent. Defendant is not licensed to the ’285 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ’285 Patent whatsoever. A true and correct copy of the ’285 Patent is attached hereto as **Exhibit E**.

18. On August 19, 2020, United States Patent No. 10,769,297 (“the ’297 Patent”) titled “Centralized Identification and Authentication System and Method.” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The ’297 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ’297 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the ’297 Patent. Defendant is not licensed to the ’297 Patent, either expressly or

implicitly, nor do they enjoy or benefit from any rights in or to the '297 Patent whatsoever. A true and correct copy of the '297 Patent is attached hereto as **Exhibit F**.

19. Each of the Patents-in-Suit is a member of the same patent family, however each and every patent has unique claims that cover different inventions.

20. The claims of the '297 Patent are representative of the assertions of infringement with respect to identification of the elements of the accused systems and methods, and are directed to "[a]n authentication system for enhancing computer network security." Claim 1 of the '297 Patent recites:

Claim 1. An authentication system for enhancing computer network security by authenticating a user in an electronic communication between a computing device of the user and an online computer system, the authentication system comprising one or more computing devices configured to perform operations comprising:

while the online computer system is connected to the computing device of the user via a communication network, electronically receiving a request for a SecureCode;

generating the SecureCode;

while the online computer system is connected to the computing device of the user via the communication network, electronically providing to the user the SecureCode in response to the request for the SecureCode, wherein:

the SecureCode is invalid after a predetermined time passes,

the SecureCode is invalid after one use of the SecureCode for authentication, and

the SecureCode is only valid for authenticating the user; and

while the online computer system is connected to the computing device of the user via the communication network, electronically receiving from the online computer system a digital authentication request for authenticating the user, wherein:

the digital authentication request comprises a digital identity of the user, and

the digital identity includes the SecureCode; and

while the online computer system is connected to the computing device of the user via the communication network, authenticating the user by evaluating a validity of the SecureCode included in the digital authentication request.

21. Method claims of the '129 Patent are also representative of the assertions and Accused instrumentalities. Claim 1 of the '129 Patent recites:

Claim 1 A computer implemented method to authenticate an individual in communication with an entity over a communication network during a communication between the entity and the individual, the computer implemented method comprising:

receiving electronically a request for a dynamic code for the individual, which request is received from the individual by a trusted-authenticators computer during an authentication of the individual by the entity:

calculating by the trusted-authenticators computer the dynamic code for the individual in response to the request during the authentication of the individual by the entity, wherein the dynamic code is valid for a predefined time and becomes invalid after being used;

sending by the trusted-authenticator's computer electronically the dynamic code to the individual during the authentication of the individual by the entity:

receiving by the trusted-authenticator's computer electronically an authentication request from the entity to authenticate the individual based on a user information and the dynamic code included in the authentication request, wherein the entity receives the user information and the dynamic code from the individual; and

authenticating by the trusted-authenticator's computer an identity of the individual based on the user information and the dynamic code included in the authentication request, wherein the result of the authentication is provided to the entity.

### **THE ZELLE SYSTEM**

22. The Zelle System, which includes at least the Zelle mobile application available for use on iOS and Android devices, as well as via the mobile applications and internet websites of financial institutions that employ the Zelle System, and also the back end systems and backbone which provides access and functionality to the Zelle System and distributes content and authenticates users using the Zelle System. The Zelle System, as provided by USBNA infringes at least one claim of each of the Patents-in-Suit.

23. USBNA is liable for making, using, offering for use, selling, and offering to sell access to and through the Zelle System in the United States.

24. On information and belief, Defendant USBNA operates additional websites, mobile applications for on-line banking, and/or features or aspects of the Zelle website or Zelle mobile application that also infringe the Patents-in-Suit.

25. Defendant has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims of the Patents-in-Suit, by making, using, testing,

selling, offering for sale, offering for use, provides access to and/or importing into the United States the Zelle System.

26. End users can access and use the Zelle System either through the “banking apps” offered by Early Warning’s financial institution partners or through the Zelle mobile application offered by Early Warning and through the USBNA mobile application and USBNA website.

27. Defendant has contributorily infringed and continue to contributorily infringe under 35 U.S.C. § 271(c) because, with knowledge of the Patents-in-Suit, they supply a material part of an infringing method and/or system, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

28. Plaintiff has conducted a detailed analysis, establishing and confirming, on information and belief, that the Zelle System directly infringes, contributes to, and induces infringement and, when used according to Defendant’s instructions for operation, indirectly infringe claims of the Patents-in-Suit.

29. The Zelle System and/or method of operating the Zelle System satisfies the elements of at least one claim of each of the asserted patents.

30. For example, attached as **Exhibit G** to the Complaint is an exemplary claim chart demonstrating the correspondence of the operation of the Zelle System with elements of claim 1 of the ’297 Patent. Although the claim chart depicts the operation of the Zelle System as incorporated in the Bank of America mobile application, the allegations in the claim chart are applicable to all embodiments of the Zelle System, including USBNA.

31. Upon information and belief, Defendant has directly infringed one or more of the claims of the Patents-in-Suit under 35 USC 271(a):

*(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.*

by engaging in accused activity including making, using, distributing, offering to sell, selling and importing accused products in the United States.

32. Upon information and belief, Defendant has indirectly infringed one or more of the claims of the patents-in suit under 35 USC § 271(c):

*(c) Whoever offers to sell or sells within the United States or imports into the United States... or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

by providing accused products, and other components and supplies, which are combined to form an infringing system and/which infringe the claims of the Patents-in-Suit, Defendant contributes to the infringement of the Patents-in-Suit.

33. Upon information and belief, Defendant has no good faith defense to Plaintiff's infringement allegations.

34. As a result of Defendant's infringement of the Patents-in-Suit, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

#### **THE U.S. BANK NATIONAL ASSOCIATION SYSTEM**

35. Defendant USBNA is a financial institution that provides access to online banking services through its online website and through a mobile banking application. The accused "USBNA System" comprises the mobile banking application and the online website (USBNA website). The USBNA System infringes one or more claims of each of the Patents-in-Suit. Defendant USBNA is liable for making, using, selling, offering to sell, offering for use, providing access to and access to the the USBNA System in the United States.

36. The USBNA website is accessible on the internet via web browser on computers and mobile devices (tablets, mobile phones, etc.) at [www.usbank.com](http://www.usbank.com).

37. The USBNA mobile application is available for iOS and Android devices and can be downloaded via the Apple App Store or the Google Play Store. The USBNA mobile application operates in all relevant aspects in the same manner as the USBNA website.

38. A claim chart showing how the USBNA System meets each of the elements of claim 1 of the '297 Patent is attached hereto as **Exhibit H**. The allegations in this complaint and accompanying claim chart are applicable to all embodiments of the USBNA System.

39. On information and belief, Defendant USBNA operates additional websites, mobile applications, and/or features or aspects of the USBNA website or USBNA mobile application that also infringe the Patents-in-Suit.

40. Defendant USBNA has, under 35 U.S.C. § 271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims of the Patents-in-Suit, by making, using, testing, selling, offering for sale, offering to sell, offering for use, providing access to and access to and/or importing into the United States the USBNA System.

41. Defendant USBNA has contributorily infringed and continues to contributorily infringe under 35 U.S.C. § 271(c) because, with knowledge of the Patents-in-Suit, it supplies a material part of an infringing system, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use. Defendant USBNA contributes to infringement because, with knowledge of the Patents-in-Suit, Defendant USBNA supplies the technology that allows its financial institution partners and authenticators by allowing its customers to practice the method claims.

42. Plaintiff has conducted a detailed analysis, establishing and confirming, on information and belief, that the USBNA System directly infringes, contributes to, and induces infringement and, when used according to Defendant's instructions for operation, indirectly infringes claims of the Patents-in-Suit.

43. The USBNA System and/or method of operating the USBAN System satisfies the elements of at least one claim of each of the asserted patents.

44. Upon information and belief, Defendant USBNA has directly infringed one or more of the claims of the Patents-in-Suit under 35 USC 271(a):

*(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.*

by engaging in accused activity including making, using, distributing, offering to sell, selling, offering for use, providing access to and access to and importing the accused products in the United States.

45. Upon information and belief, Defendant USBNA has indirectly infringed one or more of the claims of the patents-in suit under 35 USC § 271(c):

*(c) Whoever offers to sell or sells within the United States or imports into the United States... or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.*

by providing accused products, and other components and supplies, which are combined to form an infringing system and/which infringe the claims of the Patents-in-Suit, Defendant contributes to the infringement of the Patents-in-Suit.

46. Upon information and belief, Defendant USBNA has no good faith defense to Plaintiff's infringement allegations.

47. As a result of Defendant USBNA's infringement of the Patents-in-Suit, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 8,281,129**

**COUNT 1  
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,281,129  
(Zelle System)**

48. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

49. Defendant has infringed claims 1-52 of the '129 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the Zelle System in the United States.

50. Neither Defendant nor its customers have a license or authority to use the '129 Patent.

51. As a result of each of the Defendant's infringement of the '129 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 2  
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 8,281,129  
(Zelle System)**

52. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

53. Defendant has indirectly infringed claims 1-52 of the '129 patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of infringing systems

which infringe the claims of the '129 Patent, thus contributing to the infringement of the '129 Patent.

54. Neither Defendant nor its customers have a license or authority to use the '129 Patent.

55. As a result of Defendant's indirect contributory infringement of the '129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 3**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,281,129**

56. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

57. Defendant USBNA has infringed claims 1-52 of the '129 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling, offering for use, providing access to and access to and importing the USBNA System in the United States.

58. Neither Defendant USBNA nor its customers have a license or authority to use the '129 Patent.

59. As a result of Defendant USBNA's infringement of the '129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 4**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 8,281,129**

60. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

61. Defendant USBNA has indirectly infringed claims 1-52 of the '129 patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing systems which infringe the claims of the '129 Patent, thus contributing to the infringement of the '129 Patent.

62. Neither Defendant USBNA nor its customers have a license or authority to use the '129 Patent

63. As a result of Defendant USBNA's indirect contributory infringement of the '129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 9,703,938**

**COUNT 5  
DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,703,938  
(Zelle System)**

64. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

65. Defendant has infringed claims 1-26 of the '938 Patent under 35 U.S.C. § 271(a), by making, using, offering to sell, selling, offering for use, providing access to and access to and importing the Zelle System in the United States.

66. Neither Defendant nor its customers have a license or authority to use the '938 Patent.

67. Defendant's infringement of the '938 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 6**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,703,938**  
**(Zelle System)**

68. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

69. Defendant has indirectly infringed claims 1-26 of the '938 Patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of infringing systems which infringe the claims of the '938 Patent, thus contributing to the infringement of the '938 Patent.

70. Neither Defendant nor its customers have a license or authority to use the '938 Patent

71. As a result of Defendant's indirect contributory infringement of the '938 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 7**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,703,938**

72. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

73. Defendant USBNA has infringed claims 1-26 of the '938 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the USBNA System in the United States.

74. Neither Defendant USBNA nor its customers have a license or authority to use the '938 Patent.

75. As a result of Defendant USBNA's infringement of the '938 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 8**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,703,938**

76. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

77. Defendant USBNA has indirectly infringed claims 1-26 of the '938 Patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing systems which infringe the claims of the '938 Patent, thus contributing to the infringement of the '938 Patent.

78. Neither Defendant USBNA nor its customers have a license or authority to use the '938 Patent

79. As a result of Defendant USBNA's indirect contributory infringement of the '938 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 9,727,864**

**COUNT 9**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,727,864**  
**(Zelle System)**

80. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

81. Each of the Defendant has infringed claims 1-15 of the '864 Patent under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the Zelle System in the United States.

82. Neither Defendant nor its customers have a license or authority to use the '864 Patent.

83. As a result of each of the Defendant's infringement of the '864 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 10**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,727,864**  
**(Zelle System)**

84. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

85. Each of the Defendant has indirectly infringed claims 1-15 of the '864 Patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of infringing systems which infringe the claims of the '864 Patent, thus contributing to the infringement of the '864 Patent.

86. Neither Defendant nor its customers have a license or authority to use the '864 Patent

87. As a result of Defendant's indirect contributory infringement of the '864 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 11**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,727,864**

88. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

89. Defendant USBNA has infringed claims 1-15 of the '864 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the USBNA System in the United States.

90. Neither Defendant USBNA nor its customers have a license or authority to use the '864 Patent.

91. As a result of Defendant USBNA's infringement of the '864 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 12**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,727,864**

92. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

93. Defendant USBNA has indirectly infringed claims 1-15 of the '864 Patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing systems which infringe the claims of the '864 Patent, thus contributing to the infringement of the '864 Patent.

94. Neither Defendant USBNA nor its customers have a license or authority to use the '864 Patent

95. As a result of Defendant USBNA's indirect contributory infringement of the '864 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 9,870,453**

**COUNT 13**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,870,453**  
**(Zelle System)**

96. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

97. Each of the Defendant has infringed claims 1-26 of the '453 Patent under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the Zelle System in the United States.

98. Neither Defendant nor its customers have a license or authority to use the '453 Patent.

99. As a result of each of the Defendant's infringement of the '453 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 14**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,870,453**  
**(Zelle System)**

100. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

101. Each of the Defendant has indirectly infringed claims 1-26 of the '453 Patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of infringing systems which infringe the claims of the '453 Patent, thus contributing to the infringement of the '453 Patent.

102. Neither Defendant nor its customers have a license or authority to use the '453 Patent

103. As a result of Defendant's indirect contributory infringement of the '453 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 15**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,870,453**

104. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

105. Defendant USBNA has infringed claims 1-26 of the '453 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to, selling and importing the USBNA System in the United States.

106. Neither Defendant USBNA nor its customers have a license or authority to use the '453 Patent.

107. As a result of Defendant USBNA's infringement of the '453 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 16**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,870,453**

108. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

109. Defendant USBNA has indirectly infringed claims 1-26 of the '453 Patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing systems which infringe the claims of the '453 Patent, thus contributing to the infringement of the '453 Patent.

110. Neither Defendant USBNA nor its customers have a license or authority to use the '453 Patent

111. As a result of Defendant USBNA's indirect contributory infringement of the '453 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 10,083,285**

**COUNT 17  
DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,083,285  
(Zelle System)**

112. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

113. Each of the Defendant has infringed claims 1-30 of the '285 Patent under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to selling and importing the Zelle System in the United States.

114. Neither Defendant nor its customers have a license or authority to use the '285 Patent.

115. As a result of each of the Defendant's infringement of the '285 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 18  
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,083,285  
(Zelle System)**

116. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

117. Each of the Defendant has indirectly infringed claims 1-30 of the '285 Patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of

infringing systems which infringe the claims of the '285 Patent, thus contributing to the infringement of the '285 Patent.

118. Neither Defendant nor its customers have a license or authority to use the '285 Patent

119. As a result of Defendant's indirect contributory infringement of the '285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 19  
DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,083,285**

120. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

121. Defendant USBNA has infringed claims 1-30 of the '285 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to, selling and importing the USBNA System in the United States.

122. Neither Defendant USBNA nor its customers have a license or authority to use the '285 Patent.

123. As a result of Defendant USBNA's infringement of the '285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 20  
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,083,285**

124. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

125. Defendant USBNA has indirectly infringed claims 1-30 of the '285 Patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing

systems which infringe the claims of the '285 Patent, thus contributing to the infringement of the '285 Patent.

126. Neither Defendant USBNA nor its customers have a license or authority to use the '285 Patent

127. As a result of Defendant USBNA's indirect contributory infringement of the '285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**INFRINGEMENT OF U.S. PATENT NO. 10,769,297**

**COUNT 21  
DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,769,297  
(Zelle System)**

128. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

129. Each of the Defendant has infringed claims 1-29 of the '297 Patent under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to, selling and importing the Zelle System in the United States.

130. Neither Defendant nor its customers have a license or authority to use the '297 Patent.

131. As a result of each of the Defendant's infringement of the '297 Patent via the Zelle System, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 22**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,769,297**  
**(Zelle System)**

132. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

133. Each of the Defendant has indirectly infringed claims 1-29 of the '297 Patent under 35 USC § 271(c) by providing the Zelle System, which is used as a component of infringing systems which infringe the claims of the '297 Patent, thus contributing to the infringement of the '297 Patent.

134. Neither Defendant nor its customers have a license or authority to use the '297 Patent

135. As a result of Defendant's indirect contributory infringement of the '297 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 23**  
**DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,769,297**

136. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

137. Defendant USBNA has infringed claims 1-29 of the '297 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, offering for use, providing access to and access to, selling and importing the USBNA System in the United States.

138. Neither Defendant USBNA nor its customers have a license or authority to use the '297 Patent.

139. As a result of Defendant USBNA's infringement of the '297 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**COUNT 24**  
**INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,769,297**

140. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

141. Defendant USBNA has indirectly infringed claims 1-29 of the '297 Patent under 35 USC § 271(c) by providing the USBNA System, which is used as a component of infringing systems which infringe the claims of the '297 Patent, thus contributing to the infringement of the '297 Patent.

142. Neither Defendant USBNA nor its customers have a license or authority to use the '297 Patent

143. As a result of Defendant USBNA's indirect contributory infringement of the '297 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

**PRAYER FOR RELIEF**

A. For a judgement declaring that Defendant has infringed each of the Patents-in-Suit.

B. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's infringement sufficient to reasonably and entirely compensate Plaintiff for infringement of the Patents-in-Suit in an amount to be determined;

D. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs and attorneys' fees in accordance with 35 U.S.C. § 285 and Rule 54(d) of the Federal Rules of Civil Procedure;

E. For a judgment awarding Plaintiff prejudgment interest pursuant to 35 U.S.C. § 284, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid;

F. For a judgment awarding Plaintiff enhanced damages under 35 U.S.C. § 284; and

G. For such other relief to which Plaintiff is entitled under the applicable United States laws and regulations or as this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Pursuant to the Federal Rules of Civil Procedure Rule 38(b), Plaintiff hereby demands trial by jury as to all claims in this litigation.

Dated: November 15, 2024

Respectfully submitted,

/s/ Joseph J. Zito

Joseph J. Zito  
DNL ZITO  
1250 Connecticut Ave., NW #700  
Washington, DC 20036  
202-466-3500  
[jzito@dnlzito.com](mailto:jzito@dnlzito.com)

Benjamin C. Deming  
DNL ZITO  
3232 McKinney Avenue, #500  
Dallas, Texas 75204  
214-799-1145  
[bdeming@dnlzito.com](mailto:bdeming@dnlzito.com)

Attorneys for Plaintiff  
*Factor2 Multimedia Systems, LLC*