

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

ATM COMMUNICATIONS)	
INTERNATIONAL, INC.)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
CIRCLE K CORPORATION; and)	
CIRCLE K STORES, INC.)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff, ATM Communications International, Inc. (“ATM Communications”) complains of defendants Circle K Corporation and Circle K Stores, Inc. (collectively, “Circle K” and/or “defendants”) as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the claim made under 28 U.S.C. §1338(a).

PARTIES

2. ATM Communications International, Inc. (“ATM Communications”) is a privately held Delaware corporation that maintains a mailing address at P.O. Box 1115, New Port Richey, Florida 34656. ATM Communications’ Chief Executive Officer and founding shareholder, Hugo Vajk, resides in New Port Richey, Florida.

3. ATM Communications owns and has standing to sue for the infringement of United States Patent No. 5,265,033 (“033 Patent”) (Exhibit A) and United States Patent No. 5,473,143 (“143 Patent”) (Exhibit B).

4. Circle K Corporation is a Delaware corporation having a Gulf Coast Regional Office at 5650 Breckenridge Park Drive, Tampa, FL 33610.

5. Circle K Stores, Inc. is a Texas Corporation having a business address at 1500 N. Priest Dr., Tempe, Arizona. Circle K Stores Inc. is a wholly owned subsidiary of Circle K Corporation.

VENUE AND PERSONAL JURISDICTION

6. Venue is proper in this district under 28 U.S.C. §§1391(b) and 1400(b). Circle K transacts business in this district, at least by making, using, offering to sell or selling infringing systems and/or practicing infringing methods by operating automated teller machines (“ATMs”) in Florida and this judicial district.

7. Circle K owns and operates ATMs which are located in at least 25 Circle K convenience stores in the Tampa, Florida area, including one Circle K store located at 2749 9th Avenue North, St. Petersburg, Florida. At these locations, and others across the United States, Circle K offers customers access to its network of ATM terminals.

8. Circle K customers using a Circle K ATM terminal have access to traditional ATM services such as cash withdrawals and deposits, and also supplemental services such as the opportunity to send Western Union money transfers.

PATENT INFRINGEMENT

9. Circle K has infringed one or more claims of the patents-in-suit through, among other activities, making, using, selling and/or offering for sale systems that provide Western Union money transfers via its ATM network.

10. Circle K has infringed one or more claims of the patents-in-suit through, among other activities, practicing methods that provide Western Union money transfers via its ATM network.

11. Circle K has also infringed the patents-in-suit by knowingly and actively inducing others to commit acts of infringement.

12. Circle K's direct infringement and/or inducement to infringe has injured ATM Communications and ATM Communications is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

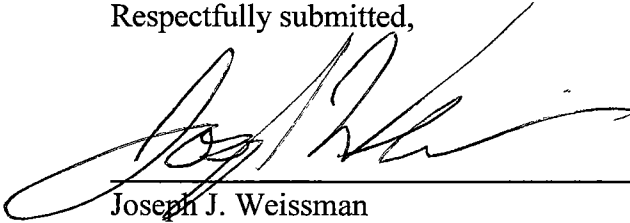
WHEREFORE, plaintiff, ATM Communications, asks this Court to enter judgment against Circle K, and against its subsidiaries, successors, affiliates, franchisees, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- a. An award of damages adequate to compensate ATM Communications for the infringement that has occurred, together with prejudgment interest from the date infringement of the patents-in-suit began;
- b. A permanent injunction prohibiting further infringement of the patents in suit; and,
- c. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

ATM Communications demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,



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