

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

PURPLE LEAF, LLC,

Plaintiff,

v.

**AMERICAN EXPRESS COMPANY;
CITIGROUP, INC.; FISERV, INC.;;
JP MORGAN CHASE & CO.; PNC BANK,
N.A.; AND SAP AMERICA, INC.**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Purple Leaf, LLC (together “Purple Leaf” or “Plaintiff”), as and for its Complaint against American Express Company; Citigroup, Inc.; Fiserv, Inc.; JP Morgan Chase & Co.; PNC Bank, N.A.; and SAP America, Inc. (collectively “Defendants”), demand a trial by jury and allege as follows:

PARTIES

1. Plaintiff Purple Leaf, LLC is a Texas limited liability company having a principal place of business at 2500 Dallas Parkway, Suite 260, Plano, Texas 75093.

2. On information and belief, Defendant American Express Company is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 200 Vesey Street, New York, NY 10285-4601. This defendant has appointed The Corporation Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE, 19801, as its agent for service of process. American Express Company regularly conducts and transacts business in Texas, throughout the United States, and within the

Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant Citigroup, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 399 Park Avenue, New York, NY 10043. This defendant has appointed The Corporation Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE, 19801, as its agent for service of process. Citigroup, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

4. On information and belief, Defendant Fiserv, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 255 Fiserv Drive, Brookfield, WI 53045. This defendant has appointed The Corporation Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE 19801, as its agent for service of process. Fiserv, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

5. On information and belief, Defendant JP Morgan Chase & Co. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 270 Park Avenue, New York, NY 10017. This defendant has appointed The Corporation Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE, 19801, as its agent for service of process. JP Morgan Chase & Co. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of

Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

6. On information and belief, Defendant PNC Bank, N.A. is incorporated under the laws of the State of Delaware with its principal place of business at 1 PNC Plaza, 249 5th Avenue, Pittsburgh, PA 15222. This defendant has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington DE 19803, as its agent for service of process. PNC Bank, N.A. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

7. On information and belief, Defendant SAP America, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 3999 West Chester Pike, Newtown Square, PA 19073. This defendant is registered to do business in Texas and has appointed CT Corp. System, 350 N. St. Paul St., Ste. 2900, Dallas, TX 75201 as its agent for service of process. SAP America, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

8. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed acts of patent infringement in this district, including via their websites.

10. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because: each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas, including via their websites, pursuant to due process and/or the Texas Long Arm Statute, each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Purple Leaf, LLC's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

11. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of interactive web pages) its products and services in the United States, the State of Texas, and the Eastern District of Texas. On information and belief, each Defendant has committed patent infringement in the State of Texas and in the Eastern District of Texas. Each Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Each Defendant has customers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendants' products and services in the State of Texas and in the Eastern District of Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,603,311 B1

12. Purple Leaf, LLC is the owner of all rights, title and interest to United States Patent No. 7,603,311 B1 ("the '311 Patent") entitled "Process and Device for Conducting Electronic Transactions." The '311 Patent was issued on October 13, 2009 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '311 Patent was filed on November 25, 2000 and benefits from a priority date of November 29,

1999.

13. The '311 Patent generally to systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment.

14. On information and belief, Defendant American Express Company has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell products that have systems and/or methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, American Express Company products including, but not limited to the American Express Payment Center, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant American Express Company is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

15. On information and belief, Defendant Citigroup, Inc. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell products that have systems and/or methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, products including, but not limited to its Citibank Account Online, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant Citigroup, Inc. is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

16. On information and belief, Defendant Fiserv, Inc. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell products that have systems and/or

methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, Fiserv, Inc. products including, but not limited to the Fiserv CheckFree Biller Direct LV, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant Fiserv, Inc. is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

17. On information and belief, Defendant JP Morgan Chase & Co. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell products that have systems and/or methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, JP Morgan Chase & Co. products including Chase Online Banking, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant JP Morgan Chase & Co. is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

18. On information and belief, Defendant PNC Bank, N.A. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell products that have systems and/or methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, PNC Bank, N.A. products including, but not limited to PNC Online Banking, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant PNC Bank, N.A. is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

19. On information and belief, Defendant SAP America, Inc. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the

United States by making, using, importing, selling or offering to sell products that have systems and/or methods for a using receipt-based medium having remittance information to enable a payor to make a payment. On information and belief, SAP America, Inc. products including, SAP EPBB ES Bundle and SAP Biller Direct, use systems and methods for a using receipt-based medium having remittance information to enable a payor to make a payment. Defendant SAP America, Inc. is thus liable for infringement of the '311 Patent pursuant to 35 U.S.C. § 271.

20. To the extent that facts learned in discovery show that Defendants' infringement of the '311 Patent is or has been willful, Purple Leaf reserves the right to request such a finding at time of trial.

21. As a result of these Defendants' infringement of the '311 Patent, Purple Leaf has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

22. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '311 Patent, Purple Leaf will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Purple Leaf respectfully requests that this Court enter:

A. A judgment in favor of Purple Leaf that Defendants have infringed the '311 Patent, and that such infringement was willful;

B. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '311 Patent;

C. A judgment and order requiring Defendants to pay Purple Leaf its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '311 Patent as provided under 35 U.S.C. § 284;

D. An award to Purple Leaf for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Purple Leaf its reasonable attorneys' fees; and

F. Any and all other relief to which Purple Leaf may show itself to be entitled.

DEMAND FOR JURY TRIAL

Purple Leaf, LLC under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 28, 2011

Respectfully submitted,

PURPLE LEAF, LLC

/s/ Winston O. Huff

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CERTIFICATE OF FILING

I hereby certify that on May 28, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Dated: May 28, 2011

Respectfully submitted,

/s/ Winston O. Huff

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