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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No.: _____

COMPLAINT

JURY TRIAL DEMANDED

Defendants.

448812.1

NATURE OF THE ACTION

1. This is an action for patent infringement arising out of:
 - A. The Deutsche Defendants' infringement of U.S. Patent No. 7,668,771 generally relating to computerized account management techniques used with insured deposit accounts; and
 - B. The Deutsche Defendants' infringement of U.S. Patent No. 7,668,772 generally relating to computerized account management techniques used with insured deposit accounts.
2. Specifically, this Complaint asserts claims against:
 - A. The Deutsche Defendants arising from their infringement of at least Claim 1 of U.S. Patent No. 7,668,771, issued on February 23, 2010, and entitled "System and Method for Allocation to Obtain Zero Activity in a Selected Aggregated Account" ("the '771 Patent"); and
 - B. The Deutsche Defendants arising from their infringement of at least Claim 1 of U.S. Patent No. 7,668,772 issued on February 23, 2010, and entitled "Systems and Methods for Money Fund Banking With Flexible Interest Allocation" ("the '772 Patent").
3. True and correct copies of the '771 Patent and '772 Patent are attached hereto as Exhibits A and B, respectively.

THE PARTIES

4. Island IP is a limited liability company, organized and existing under the laws of the State of Delaware. Island IP's principal place of business is located at 1250 Broadway, Thirty-Second Floor, New York, NY 10001, within this District.

5. Intraweb is a limited liability company, organized and existing under the laws of the State of Delaware. Intraweb's principal place of business is located at 1250 Broadway, Thirty-Second Floor, New York, NY 10001, within this District.

6. Upon information and belief, Defendant Deutsche is a corporation organized and existing under the laws of the State of New York. Deutsche's principal place of business is located at 60 Wall Street, New York, New York 10005, within this District.

7. Upon information and belief, Defendant TBS is a corporation organized and existing under the laws of the State of New Jersey. TBS's principal place of business is located at Three University Plaza, Suite 320, Hackensack, NJ 07601.

JURISDICTION AND VENUE

8. This is a civil action for patent infringement arising under the United States patent statutes, 35 U.S.C. § 1 *et seq.*

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, Defendant Deutsche is subject to this Court's personal jurisdiction because it has done substantial business in this judicial district, including: (i) offering and operating its banking services within this State and this District; and (ii) maintaining an office within this State and this District. In addition, as a New York Corporation, Defendant Deutsche has designated an agent for service of process in the State of New York.

11. Upon information and belief, Defendant TBS is subject to this Court's personal jurisdiction because it has done substantial business in this judicial district, including offering and operating computer and record keeping services for at least Deutsche's infringing insured deposit program within this State and in this District.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

FACTUAL BACKGROUND

13. The Island Plaintiffs are industry leaders in providing cash management and monetary regulation systems.

14. The principals of Double Rock Corporation (“Double Rock”), the corporate parent of each of the Island Plaintiffs, developed an innovative product known as “insured deposits,” which provides financial service institutions with the ability to offer customers FDIC-insured, interest bearing demand accounts, with unlimited checking.

15. One type of insured deposits product, developed by Double Rock and now offered through Intrasweep, is an “on balance sheet” cash sweep solution for banks that helps banks grow core deposits. Intrasweep also offers an enhanced insurance product developed by Double Rock.

16. Since its first introduction, the principals of Double Rock developed improvements to the insured deposits product.

17. Various improvements developed by the principals of Double Rock for the insured deposits product relate to the ability to provide financial service institutions, like banks, with the ability to offer different interest rates to different customers participating in the program, known as “tiered interest rates.”

18. Various improvements developed by the principals of Double Rock for the insured deposits product offered by banks relate to providing banks the ability to minimize activity in one or more Program Banks during different times of a periodic cycle.

19. Various improvements developed by the principals of Double Rock for the insured deposits product offered by banks relate to providing banks the ability to offer at least

three different tiered interest rates to customers and paying at least two different rates for such customers' funds which are held in the same omnibus account.

THE PATENTS-IN-SUIT

20. The '771 Patent generally claims a novel and non-obvious method of minimizing activity in one or more Program Banks during, e.g., a monthly period, by designating one or more Program Banks on a particular day or days as a no-withdrawal institution, and reallocating client balances to account for the no-withdrawal activity.

21. The '772 Patent generally claims a novel and non-obvious method of managing client funds in a bank channel product by providing at least three different tiered interest rates to customers and paying at least two different rates for such customers' funds which are held in the same omnibus account.

22. Island IP, a wholly-owned subsidiary of Double Rock, is the owner of all rights, title and interest in the '771 Patent and the '772 Patent.

23. Intrasweep, also a wholly-owned subsidiary of Double Rock, is the exclusive licensee of Island IP for the '771 Patent and the '772 Patent with respect to, *inter alia*, providing cash management services for banks in connection with money market deposit accounts and demand deposit accounts that facilitate the transfer of funds between money market deposit accounts and demand deposit accounts.

THE DEUTSCHE DEFENDANTS' INFRINGING PRODUCTS

24. Upon information and belief, the Deutsche Defendants operate, within the United States, a money management program designated as the "Deutsche Bank Insured Deposit Program" ("Deutsche IDP"), which includes a Bank Sweep Product.

25. Upon information and belief, TBS is a financial data processing company that offers its own insured deposit program which provides the computer and record keeping services for at least the Deutsche IDP Bank Sweep Product.

26. Upon information and belief, the computer systems used with the Deutsche IDP Bank Sweep Product use the methods claimed in at least Claim 1 of the '771 Patent.

27. The Deutsche Defendants do not have a license or other authorization from any of the Island Plaintiffs to practice the claims set forth in the '771 Patent.

28. Upon information and belief, the computer systems used with the Deutsche IDP Bank Sweep Product use the methods claimed in at least Claim 1 of the '772 Patent.

29. The Deutsche Defendants do not have a license or other authorization from any of the Island Plaintiffs to practice the claims set forth in the '772 Patent.

30. The Deutsche IDP Bank Sweep Product competes directly with products offered by Intrasweep.

COUNT ONE

(By The Island Plaintiffs for Patent Infringement by the Deutsche Defendants of the '771 Patent)

31. The Island Plaintiffs incorporate by reference as if fully set forth herein the averments contained within the preceding paragraphs.

32. Upon information and belief, the Deutsche Defendants have infringed literally and/or under the doctrine of equivalents at least Claim 1 of the '771 Patent, in violation of Title 35, United States Code section 271 through one or more of the following: (1) the manufacture, use, sale, and/or offer for sale of the invention claimed in the '771 Patent; (2) the active inducement of another to infringe the '771 Patent; and/or (3) contributing to the infringement by another of the '771 Patent.

33. Unless enjoined by this Court, the Deutsche Defendants will continue their acts

of infringement causing substantial and irreparable harm to the Island Plaintiffs.

34. The Island Plaintiffs are suffering and will continue to suffer damages as the direct and proximate result of the Deutsche Defendants' infringement of the '771 Patent.

35. The Island Plaintiffs are suffering and will continue to suffer irreparable injury as the direct and proximate result of the Deutsche Defendants' infringement of the '771 Patent.

COUNT TWO

(By The Island Plaintiffs for Patent Infringement by the Deutsche Defendants of the '772 Patent)

36. The Island Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-30 above.

37. Upon information and belief, the Deutsche Defendants have infringed literally and/or under the doctrine of equivalents at least Claim 1 of the '772 Patent, in violation of Title 35, United States Code section 271 through one or more of the following: (1) the manufacture, use, sale, and/or offer for sale of the invention claimed in the '772 Patent; (2) the active inducement of another to infringe the '772 Patent; and/or (3) contributing to the infringement by another of the '772 Patent.

38. Unless enjoined by this Court, the Deutsche Defendants will continue their acts of infringement causing substantial and irreparable harm to the Island Plaintiffs.

39. The Island Plaintiffs are suffering and will continue to suffer damages as the direct and proximate result of the Deutsche Defendants' infringement of the '772 Patent.

40. The Island Plaintiffs are suffering and will continue to suffer irreparable injury as the direct and proximate result of the Deutsche Defendants' infringement of the '772 Patent.

PRAYER FOR RELIEF

WHEREFORE, the Island Plaintiffs request judgment against the Deutsche Defendants as follows:

I. WITH RESPECT TO THE '771 PATENT

A. That the Deutsche Defendants be held liable for infringement of at least Claim 1 of the '771 Patent.

B. That a permanent injunction issue against the Deutsche Defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '771 Patent.

C. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs damages adequate to compensate the Island Plaintiffs for the acts of infringement of the Deutsche Defendants together with interest and costs, pursuant to 35 U.S.C. § 284.

D. That the Court award such other and further relief as the Court deems just and proper.

II. WITH RESPECT TO THE '772 PATENT

A. That the Deutsche Defendants be held liable for infringement of at least Claim 1 of the '772 Patent.

B. That a permanent injunction issue against the Deutsche Defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '772 Patent.

C. That the Court order the Deutsche Defendants to pay to the Island Plaintiffs damages adequate to compensate the Island Plaintiffs for the acts of infringement of the Deutsche Defendants together with interest and costs, pursuant to 35 U.S.C. § 284.

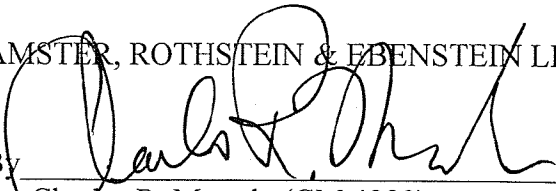
D. That the Court award such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

41. The Island Plaintiffs hereby request a trial by jury.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

By 
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Dated: New York, New York
February 23, 2010

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