

2. Upon information and belief, DISCOUNT TIRE COMPANY OF GEORGIA, INC. is a corporation organized and existing under the laws of the State of Georgia, with a principal place of business at 20225 N. Scottsdale Road, Scottsdale, Arizona 85255. DISCOUNT TIRE COMPANY OF GEORGIA, INC. may be served with process through its registered agent, CT Corporation System, 1201 Peachtree Street, N.E., Atlanta, Georgia 30361.

3. Upon information and belief, REINALT-THOMAS CORPORATION, d/b/a DISCOUNT TIRE COMPANY is a corporation organized and existing under the laws of the State of Michigan, with a principal place of business at 20225 N. Scottsdale Road, Scottsdale, Arizona 85255. REINALT-THOMAS CORPORATION, d/b/a DISCOUNT TIRE COMPANY may be served with process through its registered agent, Robert Holman, 20225 N. Scottsdale Road, Scottsdale, Arizona 85255.

JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent. This Court has exclusive jurisdiction of this cause of action under 28 U.S.C. § 1338(a).

5. Upon information and belief, Defendants have transacted business, and at the time of the filing of this Complaint is transacting business, within the Northern District of Georgia. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c) and under 28 U.S.C. § 1400(b).

CAUSE OF ACTION FOR PATENT INFRINGEMENT

6. FINANCIAL SYSTEMS is the exclusive licensee of United States Patent No. 4,707,592 (“the ‘592 patent”), entitled “Personal Universal Identity Card System for Failsafe Interactive Financial Transactions.” The ‘592 patent was duly and legally issued on November 17, 1987. A true and correct copy of the ‘592 patent is attached hereto as Exhibit A.

7. As the exclusive licensee, FINANCIAL SYSTEMS has the right to enforce and collect damages for past, present, and future infringement of the patent.

8. Plaintiffs have written to Defendants notifying them of their infringement of the ‘592 Patent as well as notifying them of the fact that Plaintiffs have initiated litigation against other retailers for infringement of the ‘592 Patent. Defendants have failed to provide a meaningful response or to otherwise cease and desist from their infringing conduct.

9. Prior litigation involving FINANCIAL SYSTEMS and the ‘592 Patent has been initiated in the United States District Court for the Northern District of Georgia, Rome Division, as well as the Northern District of Texas, Fort Worth Division. The named Defendants in each suit have retail stores in the respective Districts.

10. Through litigation and other efforts, Plaintiffs have granted over 30 licenses under the '592 Patent to date.

11. Defendants manufacture, make, have made, use, sell and/or offer to sell products and/or systems that infringe claims in the '592 patent; and/or induce or contribute to the infringement of the claims in '592 patent by others. Defendants' infringing systems include the point-of-sale and credit transaction-processing systems located in Defendants' retail outlets.

12. Upon information and belief, Defendants have a regular place of business within Northern District of Georgia and have committed infringing acts, including the use of infringing products and/or systems, within the Northern District of Georgia.

13. Paul N. Ware, a resident of Rome, Georgia, is the inventor of the '592 Patent.

14. Upon information and belief, Defendant REINALT-THOMAS CORPORATION, d/b/a DISCOUNT TIRE COMPANY initiated a declaratory judgment action against Mr. Ware in the United States District Court for the District of Arizona despite the fact that Mr. Ware does not recall ever setting foot in the State of Arizona. In any event, REINALT-THOMAS CORPORATION, d/b/a DISCOUNT TIRE

COMPANY'S declaratory judgment action is improper because it seeks a declaration concerning the infringement and validity of the '592 Patent without naming FINANCIAL SYSTEMS as a party. FINANCIAL SYSTEMS is a party needed for a just adjudication because it is the exclusive licensee of the '592 Patent and owns all rights to enforce and collect damages for past, present, and future infringement of the patent. Any disposition concerning the '592 Patent in FINANCIAL SYSTEMS' absence would unfairly impair FINANCIAL SYSTEMS' rights to protect its interests in the patent.

15. Defendants' infringement is willful.

16. Defendants will continue to infringe the '592 patent unless enjoined by this Court.

17. As a result of Defendants' infringing conduct, FINANCIAL SYSTEMS has been irreparably damaged to an extent not yet determined, and will continue to be irreparably damaged by such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement.

JURY DEMAND

18. Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

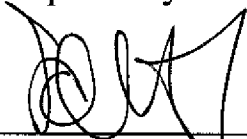
PRAYER

WHEREFORE, Plaintiff respectfully requests that the Court find in favor of Plaintiff and against Defendants, and grant Plaintiff the following relief:

- a. that one or more claims of United States Patent No. 4,707,592 has been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others to which Defendants have contributed to and/or induced infringement;
- b. that Defendants account for and pay to Plaintiff all damages and costs of Plaintiff caused by Defendants' activities complained of herein;
- c. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' activities complained of herein;
- d. that this Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 28 U.S.C. § 285;
- e. that the infringement of Defendants be declared willful such that Plaintiff be awarded additional damages up to three times the amount found or assessed as authorized by 28 U.S.C. § 284.
- f. that a permanent injunction be issued enjoining Defendants from any further activity that infringes on one or more claims of United States Patent No. 4,707,592; and

- g. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted,



Edward Hine, Jr.
Georgia Bar No. 355755
LAW OFFICES OF EDWARD HINE, JR., PC
111 Bridgepoint Plaza, Third Floor
P.O. Box 5511
Rome, GA 30161
(706) 291-2531
(706) 291-1301 (fax)

Jonathan T. Suder
Texas Bar No. 19463350
Edward E. Casto, Jr.
Texas Bar No. 24044178
Edward R. Nelson, III
Texas Bar No. 00797142
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
(817) 334-0400
(817) 334-0401 (fax)

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA, ROME DIVISION

FINANCIAL SYSTEMS INNOVATION LLC

SUMMONS IN A CIVIL CASE

V.

DISCOUNT TIRE COMPANY OF GEORGIA,
INC., and REINALT-THOMAS
CORPORATION, a Michigan Corporation,
d/b/a DISCOUNT TIRE COMPANY

CASE NUMBER:

4 05 - CV - 252

RLV

TO: (Name and address of Defendant)

Defendant Reinalt-Thomas Corporation d/b/a Discount Tire Company
c/o Robert Holman
20225 N. Scottsdale Road
Scottsdale, AZ 85255

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edward Hine, Jr.
Law Offices of Edward Hine, Jr., P.C.
111 Bridgepoint Plaza, Third Floor
P.O. Box 5511
Rome, GA 30161

Jonathan T. Suder
Edward E. Casto, Jr.
FRIEDMAN, SUDER & COOKE
604 East Fourth Street, Suite 200
Fort Worth, TX 76102

In answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

LUTHER D. THOMAS

CLERK
By: Brenda Jenkins
DEPUTY CLERK

DATE 11-21-05

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA, ROME DIVISION

FINANCIAL SYSTEMS INNOVATION LLC

SUMMONS IN A CIVIL CASE

V.

DISCOUNT TIRE COMPANY OF GEORGIA,
INC., and REINALT-THOMAS
CORPORATION, a Michigan Corporation,
d/b/a DISCOUNT TIRE COMPANY

CASE NUMBER:

4 05 - CV - 252

FILED

TO: (Name and address of Defendant)

Defendant Discount Tire Company of Georgia, Inc.
c/o CT Corporation System
1201 Peachtree Street, N.E.
Atlanta, GA 30361

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edward Hine, Jr.
Law Offices of Edward Hine, Jr., P.C.
111 Bridgepoint Plaza, Third Floor
P.O. Box 5511
Rome, GA 30161

Jonathan T. Suder
Edward E. Casto, Jr.
FRIEDMAN, SUDER & COOKE
604 East Fourth Street, Suite 200
Fort Worth, TX 76102

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

LUTHER D. THOMAS

CLERK

(By) DEPUTY CLERK

DATE

11-21-05