#### UNITED STATES DISTRICT COURT 1 FOR THE DISTRICT OF NEW JERSEY 2 Zimmerman & Weiser LLP 3 Jean-Marc Zimmerman **Anatoly Weiser** 226 St. Paul Street 4 Westfield, New Jersey 07090 5 Tel: (908) 654-8000 Fax: (908) 654-7207 6 jmz@iplcounsel.com aw@ iplcounsel.com 7 Attorneys for plaintiff Content Extraction and Transmission LLC 8 CONTENT EXTRACTION AND 9 TRANSMISSION LLC Case No. 10 Plaintiff. 11 COMPLAINT FOR PATENT INFRINGEMENT v. 12 BANK OF AMERICA CORPORATION, and 13 BANK OF AMERICA, NATIONAL DEMAND FOR JURY TRIAL ASSOCIATION, 14 Defendants. 15 16 17 Plaintiff Content Extraction and Transmission LLC ("CET") demands a jury trial and 18 complains against defendants Bank of America Corporation and defendant Bank of America, 19 National Association (hereinafter collectively "Defendants"), as follows: 20 THE PARTIES 21 1. CET is a limited liability company organized and existing under the laws of the 22 State of New Jersey, with its principal place of business at New Jersey. 23 2. Upon information and belief, Defendant Bank of America Corporation is a 24 corporation organized and existing under the laws of the State of Delaware, with its principal place 25 of business in the City of Charlotte, County of Mecklenburg, State of North Carolina, and having 26 bank branches throughout this judicial district in which it is conducting business. 27 28

- 3. Defendant Bank of America Corporation is a successor in interest to other banks which processed deposits made at ATMs during the six-year period immediately preceding the filing of this Complaint.
- 4. Bank of America, National Association, is a banking subsidiary of Defendant Bank of America Corporation. Defendant Bank of America, National Association, is a national banking corporation organized under the laws of the United States, with its principal place of business in the City of Charlotte, County of Mecklenburg, State of North Carolina.

#### JURISDICTION AND VENUE

- 5. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).
- 6. On information and belief, each Defendant is doing business and committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district.
  - 7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

# **CLAIM FOR PATENT INFRINGEMENT**

- 8. CET repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 6 above.
- 9. On November 2, 1993, U.S. Patent No. 5,258,855 (hereinafter referred to as "the '855 patent") was duly and legally issued for an invention entitled "Information Processing Methodology." A copy of the '855 patent is attached to this Complaint as Exhibit 1.
- 10. On November 29, 1994, U.S. Patent No. 5,369,508 (hereinafter referred to as "the '508 patent") was duly and legally issued for an invention entitled "Information Processing Methodology." A copy of the '508 patent is attached to this Complaint as Exhibit 2.

- 11. On April 29, 1997, U.S. Patent No. 5,625,465 (hereinafter referred to as "the '465 patent") was duly and legally issued for an invention entitled "Information Processing Methodology." A copy of the '465 patent is attached to this Complaint as Exhibit 3.
- 12. On June 16, 1998, U.S. Patent No. 5,768,416 (hereinafter referred to as "the '416 patent") was duly and legally issued for an invention entitled "Information Processing Methodology." A copy of the '416 patent is attached to this Complaint as Exhibit 4.
- 13. On August 21, 2007, U.S. Patent No. 7,259,887 (hereinafter referred to as "the '887 patent") was duly and legally issued for an invention entitled "Information Processing Methodology."
- 14. On January 6, 2009, U.S. Patent No. 7,474,434 (hereinafter referred to as "the '434 patent") was duly and legally issued for an invention entitled "Information Processing Methodology."
- 15. CET is the owner by way of assignment of all right, title and interest in and to the '855, '508, '465, '416, '887 and '434 patents. The '855, '508, '465 and '416 patents will hereinafter be collectively referred to as the "Patents-in-Suit."

## **COUNT ONE**

- 16. CET repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 15 above.
- 17. Defendants have infringed, actively induced the infringement of and contributorily infringed in this judicial district the '855 patent by processing check and cash deposits made by customers at its automatic teller machines ("ATMs") using ATM deposit service.
- 18. Defendants' ATM deposit service extracts information from checks and cash deposited at ATMs and then transmits such extracted information to an application program to process the deposits, in a manner defined by the claims of the '855 patent without permission from CET.

19. CET has been damaged by such activities of the Defendant which infringe the '855 patent.

#### **COUNT TWO**

- 20. CET repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 19 above.
- 21. Defendants have infringed, actively induced the infringement of and contributorily infringed in this judicial district the '508 patent by processing check and cash deposits made by customers at ATMs using the ATM deposit service.
- 22. Defendants' ATM deposit service extracts information from checks and cash deposited at ATMs and then transmits such extracted information to an application program to process the deposits, in a manner defined by the claims of the '508 patent without permission from CET.
- 23. CET has been damaged by such activities of the Defendant which infringe the '508 patent.

#### **COUNT THREE**

- 24. CET repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 23 above.
- 25. Defendants have and still are infringing, actively inducing the infringement of and contributorily infringing in this judicial district the '465 patent by processing check and cash deposits made by customers at ATMs using the ATM deposit service.
- 26. Defendants' ATM deposit service extracts information from checks and cash deposited at ATMs and then transmits such extracted information to an application program to process the deposits, in a manner defined by the claims of the '465 patent without permission from CET.

27. CET has been damaged by such activities of the Defendants which infringe the '465 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

#### **COUNT FOUR**

- 28. Plaintiff repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 27 above.
- 29. Defendants have and still are infringing, actively inducing the infringement of and contributorily infringing in this judicial district the '416 patent by processing check and cash deposits made by customers at ATMs using the ATM deposit service.
- 30. Defendants' ATM deposit service extracts information from checks and cash deposited at ATMs and then transmits such extracted information to an application program to process the deposits, in a manner defined by the claims of the '416 patent without permission from CET.
- 31. CET has been damaged by such activities of the Defendants which infringe the '416 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff CET prays for judgment against the Defendant on all the counts and for the following relief:

- A. Declaration that the CET is the owner of the Patents-in-Suit and has the right to sue and to recover for infringement thereof;
- B. Declaration that the Defendants have infringed, actively induced the infringement of, and contributorily infringed the Patents-in-Suit;
- C. A preliminary and permanent injunction against the Defendants, each of its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, including distributors and customers, enjoining them from

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1		continuing acts of infringement, active inducement of infringement, and contributor	
2		infringement of CET's '465 and '416 patents;	
3	D.	An accounting for damages under 35 U.S.C. §284 for infringement of CET's '855	
4		'508, '465 and '416 patents by the Defendants and the award of damages s	
5		ascertained to the CET together with interest as provided by law;	
6	E.	Award of CET's costs and expenses; and	
7	F.	Such other and further relief as this Court may deem proper, just and equitable.	
8	DEMAND FOR JURY TRIAL		
9	Plaintiff CET demands a trial by jury of all issues properly triable by jury in this action.		
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18	Dated: May	16, 2012	
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