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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 SONIC INDUSTRY, LLC,

11 Plaintiff,

12 v.

13 U.S. BANCORP,

14 Defendant.

Case No. '12CV1514 DMS BGS

**SONIC INDUSTRY, LLC'S COMPLAINT
FOR PATENT INFRINGEMENT**

Jury Trial Demanded

1 Plaintiff SONIC INDUSTRY, LLC (“Plaintiff” or “Sonic”) alleges:

2 **NATURE OF THE CASE**

3 1. This is a patent infringement action. Sonic is the exclusive licensee of United
4 States Patent No. 5,954,793 entitled “Remote Limit-Setting Information Distribution System” (the
5 “’793 Patent,” a copy of which is attached as EXHIBIT 1.) The ‘793 Patent covers a remotely-
6 configurable information distribution system which selectively filters inbound information in
7 response to selection and limit parameters provided by a remotely-connected processing device.
8 Defendant U.S. BANCORP (“Defendant” or “Bancorp”) has infringed and is infringing on the
9 ‘703 Patent by providing a patented remote limit-setting information distribution system to its
10 customers. Accordingly, Sonic brings this action to redress the misappropriation by Bancorp and
11 to seek injunctive relief and monetary damages.

12 **PARTIES**

13 2. Plaintiff is a limited liability company organized and existing under the law of the
14 State of Delaware. Plaintiff maintains its principal place of business at 3422 Old Capital Trail,
15 PMB (STE) 1549, Wilmington, Delaware 19808-6192. Plaintiff is the exclusive licensee of the
16 ‘793 Patent which respect to the Defendant, and possesses the right to sue for infringement and
17 recover past damages.

18 3. Defendant is a corporation organized and existing under the law of the State of
19 Delaware, with its principal place of business located at 800 Nicollet Mall, Minneapolis,
20 Minnesota 55402.

21 **JURISDICTION AND VENUE**

22 4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*,
23 including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction
24 over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

1 5. This Court has personal jurisdiction over Defendant because: Defendant is present
2 within or has minimum contacts with the State of California and the Southern District of
3 California; Defendant has purposefully availed itself of the privileges of conducting business in the
4 State of California and in the Southern District of California; Defendant has sought protection and
5 benefit from the laws of the State of California; Defendant regularly conducts business within the
6 State of California and within the Southern District of California; and Plaintiff's causes of action
7 arise directly from Defendant's business contacts and other activities in the State of California and
8 in the Southern District of California.

9 6. Furthermore, Defendant, directly and/or through authorized intermediaries, ships,
10 distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web
11 page) its products and services in the United States, the State of California, and the Southern
12 District of California. Upon information and belief, Defendant has committed patent infringement
13 in the State of California and in the Southern District of California, has contributed to patent
14 infringement in the State of California and in the Southern District of California, and/or has
15 induced others to commit patent infringement in the State of California and in the Southern
16 District of California. Defendant solicits customers in the State of California and in the Southern
17 District of California. Defendant has paying customers who are residents of the State of California
18 and the Southern District of California and who use the Defendant's products and services in the
19 State of California and in the Central District of California.

20 7. Venue is proper in the Southern District of California pursuant to 28 U.S.C. §§
21 1391 and 1400(b).

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COUNT 1 – PATENT INFRINGEMENT

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2 8. Plaintiff re-alleges paragraphs 1 through 7.

3 9. The '793 Patent was duly and legally issued by the United States Patent and
4 Trademark Office on September 21, 1999, after full and fair examination, for systems and methods
5 for a remote limit-setting information distribution system. Plaintiff is the exclusive licensee of the
6 '793 Patent with respect to the Defendant, and possesses all rights of recovery under the '793
7 Patent with respect to the Defendant, including the right to sue for infringement and recover past
8 damages.

9 10. Plaintiff is informed and believes that is informed and believes that Defendant
10 owns, operates, advertises, controls, sells, and otherwise provides hardware and software for a
11 remote limit-setting information distribution system. Upon information and belief, Defendant has
12 infringed and continues to infringe one or more claims of the '793 Patent by making, using,
13 providing, offering to sell, and selling (directly or through intermediaries), in this district and
14 elsewhere in the United States, systems and methods for using a remote device to set a selection
15 and limit on a server.

16 11. More particularly, Plaintiff is informed and believes that Defendant sells and/or
17 requires and/or directs users to access and/or use a software system on a remote device to enter and
18 verify selection and limit parameters for account information notifications prior to transmitting the
19 parameters to a host computer for processing, in a manner claimed in the '793 Patent. Upon
20 information and belief, Defendant has contributed to the infringement of one or more claims of the
21 '793 Patent, and/or actively induced others to infringe one or more claims of the '793 patent, in
22 this district and elsewhere in the United States.

23 12. The conduct of Defendant has been without authority and/or license from Plaintiff.

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1 13. Plaintiff has suffered and will suffer monetary damages as a result of Defendant's
2 infringement of the '793 Patent in an amount to be determined at trial, which, by law, cannot be
3 less than a reasonable royalty, together with interest and costs as fixed by this Court under 35
4 U.S.C. § 284.

5 14. Upon information and belief, Defendant has and/or will become aware of the
6 infringing nature of its conduct, entitling Plaintiff to treble damages for any period of such willful
7 infringement thereafter pursuant to 35 U.S.C. § 284.

8 15. Plaintiff has suffered irreparable harm as a result of Defendant's infringement of the
9 '793 Patent, and Plaintiff will continue to suffer irreparable harm unless Defendant is enjoined
10 from infringing the '793 Patent.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Sonic respectfully requests this Court:

13 1. To enter judgment that one or more claims of the '793 Patent, either literally and/or
14 under the doctrine of equivalents, has been infringed by Bancorp and/or by others to whose
15 infringement Bancorp has contributed and/or by others whose infringement has been induced by
16 Bancorp;

17 2. To award Sonic monetary damages against Bancorp adequate to compensate
18 Plaintiff, together with pre-judgment and post-judgment interest;

19 3. To award Sonic treble damages against Bancorp for all periods of willful
20 infringement;

21 4. To grant Sonic a permanent injunction against Bancorp pursuant to 35 U.S.C. §
22 283, enjoining Bancorp and its respective officers, agents, servants, employees, and attorneys, and
23 all persons in active concert or participation with any of the foregoing, from infringing the '793
24 Patent;

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5. To declare this case to be “exceptional” under 35 U.S.C. § 285 and to award Sonic its attorney’s fees, expenses, and costs incurred in this action; and

6. To award Sonic such other and further relief as this Court deems just and proper.

Respectfully submitted,

LAW OFFICE OF MATTHEW P. TYSON

Dated: June 20, 2012

By: 
MATTHEW P. TYSON
Attorneys for SONIC INDUSTRY, LLC