

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WALKER DIGITAL, LLC

Plaintiff,

v.

**e2INTERACTIVE, INC., INTERACTIVE
COMMUNICATIONS INTERNATIONAL,
INC. dba INCOMM, AND
MODASOLUTIONS CORPORATION dba
eBILLME**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Walker Digital, LLC, (“Walker Digital”) files this complaint for patent infringement against Defendants e2interactive, Inc. (“e2interactive”), Interactive Communications International, Inc. dba InComm (“InComm”) and MODASolutions Corporation dba eBillme (“eBillme”) (collectively referred to herein as the “Defendants”):

THE PARTIES AND PATENTS-IN-SUIT

1. Plaintiff Walker Digital, LLC is a Delaware limited liability company with its principal place of business located at 2 High Ridge Park, Stamford, Connecticut 06905. Walker Digital is a research and development laboratory that has been the genesis for many successful businesses, including Priceline.com and Synapse, Inc.

2. On information and belief, Defendant e2interactive is a Georgia corporation with its principal place of business located at 250 Williams Street, Suite M-100, Atlanta, Georgia 30303.

3. On information and belief, Defendant InComm is a Florida corporation with its principal place of business located at 250 Williams Street, Suite M-100, Atlanta, Georgia 30303.

4. On information and belief, Defendant eBillme is a Canadian corporation with its U.S. headquarters located at 800 Westchester Avenue, Suite 309N, Rye Brook, New York 10573.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendants are subject to this Court's jurisdiction because the Defendants have, upon information and belief, transacted business in this district including, more specifically, the manufacture and use of their accused systems in the State of Delaware. All Defendants, upon information and belief, are doing substantial business in this District, have purposefully directed their business activities to persons in this District, and have committed acts of patent infringement in this District.

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

THE ASSERTED PATENT

8. On April 30, 2002, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6,381,582 ("the '582 patent"), entitled "Method and System for Processing Payments for Remotely Purchased Goods" to Jay S. Walker and Andrew S. Van Luchene, who assigned their rights and interests in the '582 patent to Walker Digital. A true and correct copy of the '582 patent is attached as Exhibit A.

9. Walker Digital is thus the owner of the '582 patent.

FACTUAL BACKGROUND

10. Walker Digital is a research and development laboratory that has invested many millions of dollars in the development of its intellectual property. Walker Digital is comprised of a diverse group of inventors who solve business problems by studying human behavior and designing innovative solutions utilizing modern information technologies. Walker Digital's invention team has created a portfolio of more than 200 U.S. and international patents in a wide range of industries that include retail, vending, credit cards, security, gaming, educational testing, and entertainment. Jay Walker, the chairman of Walker Digital, is best known as the founder of Priceline.com, which brought unprecedented technology and a new level of value to the travel industry. The business processes that guide Priceline.com's success were created in the invention lab of Walker Digital. As an inventor, Mr. Walker is named on more than 450 issued and pending U.S. and international patents.

11. Walker Digital has invested large sums of money to develop the inventions of Mr. Walker and the team of innovators. This investment was used for many things, including the development of laboratory facilities to assist with the development and testing of new inventions which, in turn, generated additional new inventions. Many of these new inventions have been the genesis for successful businesses, including Priceline.com and Synapse, Inc. Revolutionary technologies, including the method and system for processing payments for remotely purchased goods claimed in the '582 patent, were a direct result of that investment.

12. The '582 patent represents important advances in the field of remote payment processing. The invention of the '582 Patent allows remote purchasers, including Online

shoppers, to place orders for remote goods without a credit card and subsequently pay cash, or otherwise make payment at a local point of sale terminal.

COUNT I

(Infringement of the '582 Patent)

13. Walker Digital incorporates and realleges the allegations of paragraphs 1-12.

14. Upon information and belief, Defendants e2Interactive and InComm are infringing (literally and/or under the doctrine of equivalents) the '582 patent in this District and throughout the United States by, among other things, making and using systems to process payments for remote sales, including InComm's Print & Pay® Internet Cash Payments solution, covered by, without limitation, claim 25 of the '582 patent. By way of example and without limitation, Defendant's payment system receives a remote order for a purchase of goods from a customer, generates a code and a purchase price for the remote order, transmits the code and the purchase price to the customer, provides order data for use by a point-of-sale system of a local seller in receiving a payment for the remote order, receives payment data confirming that the payment has been received at the point-of-sale system of the local seller, initiates, in response to the payment data, a shipment of the goods and receives payment for the remote order from the local seller.

15. Upon information and belief, Defendant eBillme is infringing (literally and/or under the doctrine of equivalents) the '582 patent in this District and throughout the United States by, among other things, making and using systems to process payments for remote sales, including the eBillme™ payment system deployed at various Online merchants, such as Buy.com, covered by, without limitation, claim 25 of the '582 patent. By way of example and without limitation, Defendant's payment system receives a remote order for a purchase of goods

from a customer, generates a code and a purchase price for the remote order, transmits the code and the purchase price to the customer, provides order data for use by a point-of-sale system of a local seller in receiving a payment for the remote order, receives payment data confirming that the payment has been received at the point-of-sale system of the local seller, initiates, in response to the payment data, a shipment of the goods and receives payment for the remote order from the local seller.

16. Defendants committed these acts of infringement without license or authorization.

17. Walker Digital has suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Defendants, their agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '582 patent.

DEMAND FOR JURY TRIAL

Plaintiff Walker Digital, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

For the above reasons, Walker Digital respectfully requests that this Court grant the following relief in favor of Walker Digital and against Defendants:

- (a) A judgment in favor of Walker Digital that Defendants have directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '582 patent;
- (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 or participation with them, from infringing the '582 patent;

- (c) A judgment and order requiring Defendants to pay Walker Digital its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants' infringement of the '582 patent;
- (d) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Walker Digital its reasonable attorneys' fees; and
- (e) Any and all such other relief as the Court deems just and proper.

April 11, 2011

BAYARD, P.A.

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