

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WOLF RUN HOLLOW, LLC,

Plaintiff,

v.

STATE FARM FEDERAL CREDIT
UNION

Defendant.

Civil Action No: 12 CV 9450

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Wolf Run Hollow, LLC (“Plaintiff”), by and through its undersigned counsel, files this Original Complaint against State Farm Federal Credit Union (“Defendant”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of Plaintiff’s United States Patent No. 6,115,817 entitled “*Methods and Systems for Facilitating Transmission of Secure Messages Across Insecure Networks*” (the “‘817 patent”; a copy of which is attached hereto as Exhibit A). Plaintiff is the exclusive licensee of the ‘817 patent with respect to the Defendant. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware. Plaintiff maintains its principal place of business at 170 Kinnelon Road,

Suite 13, Kinnelon, NJ 07405. Plaintiff is the exclusive licensee of the '817 patent and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant is federally chartered credit union, with its corporate headquarters located at 1 State Farm Plaza, Bloomington, IL 61710.

JURISDICTION AND VENUE

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

5. The Court has personal jurisdiction over Defendant because: Defendant is present within or has minimum contacts with the State of Illinois and the Northern District of Illinois; Defendant has purposefully availed itself of the privileges of conducting business in the State of Illinois and in the Northern District of Illinois; Defendant has sought protection and benefit from the laws of the State of Illinois; Defendant regularly conducts business within the State of Illinois and within the Northern District of Illinois; and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Illinois and in the Northern District of Illinois.

6. More specifically, Defendant, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States, the State of Illinois, and the Northern District of Illinois. Upon information and belief, Defendant has committed patent infringement in the State of Illinois and in the Northern District of Illinois, has contributed to patent infringement in the State of Illinois and in the Northern District of Illinois, and/or has induced others to commit patent infringement in the State of Illinois and in the Northern District of

Illinois. Defendant solicits customers in the State of Illinois and in the Northern District of Illinois. Defendant has many paying customers who are residents of the State of Illinois and the Northern District of Illinois and who each use each of the respective Defendant's products and services in the State of Illinois and in the Northern District of Illinois.

7. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

8. The '817 patent was duly and legally issued by the United States Patent and Trademark Office on September 5, 2000, after full and fair examination for systems and methods for secure messaging on an insecure network. Plaintiff is the exclusive licensee of the '817 patent with respect to the Defendant, and possesses all rights of recovery under the '817 patent with respect to the Defendant, including the right to sue for infringement and recover past damages.

9. Defendant owns, operates, advertises, controls, sells, and otherwise provides hardware and software that infringes the '817 patent. The '817 patent provides, among other things, a method “for facilitating the transmission of a secure message from a sender to a recipient comprising the steps, performed by a processor, of: receiving a request for a recipient's security software object from a sender; transmitting the software object in response to the request, the software object comprising a security procedure and recipient information; receiving a secured message secured using the security procedure and the recipient information; and transmitting the secured message to the recipient based on the recipient information.”

10. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '817 patent by making, using, providing, offering to sell, and selling

(directly or through intermediaries), in this district and elsewhere in the United States, methods and systems for transmitting secure messages across an insecure network, including via the Defendant's website. More particularly, Plaintiff is informed and believes that Defendant sells and/or requires and/or directs users to access and/or use a software system on a remote device to enter and send messages securely through a processor to the Defendant's receiving device, in a manner claimed in the '817 patent. Defendant infringes the '817 patent by Defendant providing its messaging system that practices a method for transmitting secure messages across an insecure internet network.

11. Defendant infringes '817 patent by facilitating secure interaction with its customers and website users through its online portal. One way this is practiced by the Defendant includes the use of a log-in request sent, by users when they log-in, to the Defendant's processor. See Exhibit B. The request is sent when the user clicks on a tab or link for submitting the communication. The communication is then received by the Defendant's processor as a request for a security software object, such as public-key encryption associated with the Defendant as part of its online protection measures. See Exhibit B.

12. After the communication or request is sent and received, the Defendant's processor, based on information and belief, sends the requested security information to the user's remote device. See Exhibit B. The security information requested is the security software object, which encapsulates both a security procedure and the recipient's information. The user composes a message using the sent security software object and, when completed, the security software object transmits the message back to the processor. The processor is then able to receive a secure message and routes that secured message to the correct recipient (Defendant) because of this system, as claimed in the '817 patent. The Defendant infringes the '817 patent

when the inbound communication or request is processed by the Defendant's processor for the purpose of transmitting secure messages.

13. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

14. Defendant also has infringed under 35 U.S.C. § 271(b) by inducing infringement of the '817 patent in the State of Illinois, in this judicial district, and elsewhere in the United States, by, among other things, performing certain steps of the methods claimed by the '817 patent, and advising, encouraging, or otherwise inducing others to perform the remaining steps claimed by the '817 patent to the injury of Plaintiff. For example, Defendant's infringing software is configured to use with multiple internet platforms on most computer and other remote devices, inducing others to perform steps claimed, thereby infringing on the '817 patent. Since at least the filing date of this Complaint, Defendant has had knowledge of the '817 patent, and by continuing the actions described above, has had specific intent to induce infringement of the '817 patent pursuant to 35 U.S.C. § 271(b). Upon information and belief, Defendant has also contributed to the infringement of one or more claims of the '817 patent in this district and elsewhere in the United States.

15. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

16. Defendant's infringement of Plaintiff's exclusive rights under the '817 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

17. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '817 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. That, should Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of its actions, which is the time of filing of Plaintiff's Original Complaint at the latest, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '817 patent;

- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and
- F. Any further relief that this Court deems just and proper.

Respectfully submitted,

Parikh Law Group, LLC

Dated: November 27, 2012

s/ Justin Kaplan

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