

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TQP DEVELOPMENT, LLC,**

Plaintiff,

v.

**WELLS FARGO & COMPANY,**

Defendant.

**C. A. No. 2:12-cv-61 MHS-CMC**

**JURY TRIAL DEMANDED**

**SUPPLEMENTAL COMPLAINT FOR PATENT INFRINGEMENT**

TQP Development, LLC (“TQP”) makes the following supplemental allegations against Wells Fargo & Company (“Wells Fargo” or “Defendant”).

**PARTIES**

1. Paragraphs 1 and 2 of TQP’s Original Complaint for Patent Infringement (“Complaint”) (Dkt. No. 1) are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

**JURISDICTION AND VENUE**

2. Paragraphs 3 through 5 of TQP’s Complaint are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 5,412,730**

3. Paragraph 6 of TQP’s Complaint is adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

4. Paragraph 7 of TQP's Complaint is adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c). Additionally, and in the alternative, upon information and belief, Defendant Wells Fargo has induced infringement of the '730 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, performing certain steps of the methods claimed by the '730 patent, and advising, encouraging, or otherwise inducing others to perform the remaining steps claimed by the '730 Patent to the injury of TQP. For example, Wells Fargo has configured the equipment that hosts its secure websites ("Host Server") (including, without limitation to, [www.wellsfargo.com](http://www.wellsfargo.com) and related internal systems supporting the operation of said website), or caused the Host Server to be configured, to require use of the SSL and/or TLS encryption protocols. An SSL/TLS handshake takes place when, for example, a Wells Fargo customer, potential customer, or client connects to a secure Wells Fargo website with a computer or mobile device ("Client Computer"). The Host Server of Wells Fargo determines which cipher is used for encryption and decryption at the transmitter and receiver of the Host Server and Client Computer during the SSL/TLS handshake. A communication link covered by one or more claims of the '730 patent was established between the Host Server and the Client Computer when the Host Server determined that the RC4 encryption algorithm would be used during the SSL/TLS handshake. Data transmitted over the communication link (both from the Client Computer to the Host Server, and from the Host Server to the Client Computer) comprises a sequence of blocks, and was transmitted as packets in a sequence over the communication link. The Client Computer and the Host Server automatically encrypted and decrypted the data transmitted over the communication link pursuant to the method steps claimed by the '730 patent. The Client Computer and the Host Server automatically provided a seed value to the transmitter and receiver that were used to encrypt and decrypt the data transmitted

over the communication link. A first sequence of pseudo-random key values was automatically generated at the transmitter (whichever of the Host Server or Client Computer was sending the encrypted information) to encrypt the data based on said seed values, each new key value in said sequence being produced at a time dependent upon a predetermined characteristic of the data being transmitted over said link. Wells Fargo has encrypted data and transmitted data from the Host Server to the Client Computer over said link. In addition, by using its Host Server to determine that the RC4 encryption algorithm would be used, Wells Fargo has caused users of the Client Computer to encrypt and transmit data over said link to the Host Server. Wells Fargo has generated, and, by using its Host Server to determine that the RC4 encryption algorithm would be used, has caused the Client Computer to automatically generate a second sequence of pseudo-random key values to encrypt data, based on said seed value at said transmitter, each new key value in said sequence being produced at a time dependent upon a predetermined characteristic of the data being transmitted over said link such that said first and second sequences are identical to one another, as is used in a symmetric algorithm, a new one of said key values in said first and second sequences being produced each time a predetermined number of said blocks are transmitted over said link. Wells Fargo has decrypted data sent from the Client Computer over said link in order to use the data, and, by using its Host Server to determine that the RC4 encryption algorithm would be used, has caused the Client Computer to automatically decrypt data transmitted from the Host Server over said link in order to provide a useable display to the user of the Client Computer. Since at least February 8, 2012, when TQP's Complaint was filed, Wells Fargo has had knowledge of the '730 patent and, by continuing the actions described above, has had the specific intent to induce infringement of the '730 patent pursuant to 35 U.S.C. § 271(b).

5. Paragraphs 8 through 10 of TQP's Complaint are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

**PRAYER FOR RELIEF**

The Prayer for Relief of TQP's Complaint is adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c), and TQP respectfully requests that this Court enter a judgment in favor of Plaintiff that Defendant has infringed directly, jointly, by directing and controlling the accused encryption process, and/or indirectly by way of inducing the performance of the claimed method steps.

**DEMAND FOR JURY TRIAL**

The Demand for Jury Trial of TQP's Complaint is adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

Dated: December 12, 2012

Respectfully submitted,

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