

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PRIVACASH, INC.

Plaintiff,

v.

**AMERICAN EXPRESS TRAVEL
RELATED SERVICES COMPANY,
AMERICAN EXPRESS PREPAID CARD
MANAGEMENT CORPORATION**

Defendant.

Case No. 6:12-cv-869

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

Plaintiff, PrivaCash, Inc., alleges against defendants, American Express Travel Related Services Company, Inc., and American Express Prepaid Card Management Corporation (collectively referred to as “AMEX”), the following:

THE PARTIES

1. Plaintiff, PrivaCash, Inc. ("PrivaCash"), is an Ohio corporation having a principal place of business at 23 E. Front Street, Suite 100, Monroe, MI.

2. On information and belief, defendant, American Express Travel Related Services Company, Inc. (AE Travel), is a New York corporation having a principal place of business at 7777 American Expwy, Fort Lauderdale, FL and a principal office at 200 Vesey Street, Tax Dept, New York, N.Y. 10285.

3. On information and belief, defendant, American Express Prepaid Card Management Corporation ("AE Prepaid"), is an Arizona corporation having a principal place of business at 20022 N. 31st Avenue, Phoenix, Arizona 85027.

4. On information and belief, AE Travel is the parent company of AE Prepaid.

JURISDICTION AND VENUE

5. The claims plead arise under Patent Act, 35 U.S.C. § 1, *et seq.*

6. Subject matter jurisdiction for the pleaded claims is conferred upon the Court by 28 U.S.C. §§ 1331 and 1338.

7. Within this judicial district Defendants have committed, and continue to commit, acts that give rise to this action, by the way of authorizing, directly or through others, the sale of,

distribution of, funding of, and purchase transactions using, purchase cards capable of being funded for a specific amount of money and referred to by AMEX, for example, as gift cards. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

COUNT I
PATENT INFRINGEMENT - U.S. PATENT NO. 8,219,474

8. On July 10, 2012, U.S. Patent No. 8,219,474 ("the '474 patent," attached as Exhibit A), entitled "Method and System for Distributing and Activating a Non-Personalized Purchase Card," was duly and lawfully issued to the inventors, David B. Sutton and Douglas E. Blasiman.

9. PrivaCash is the owner by assignment of the '474 patent.

10. Upon information and belief, likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, AE Travel controls or directs AE Prepaid in activities relating to one or more of the sale of, distribution of, funding of, and purchase transactions using, purchase cards in the United States capable of being funded for a specific amount of money and referred to by AMEX, for example, as gift cards.

11. Upon information and belief, likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, AE Travel and AE Prepaid have each individually or jointly infringed, and continue to infringe, one or more claims of the '474 patent by way of activities relating to the sale of, distribution of, funding of, and purchase transactions using, certain purchase cards in the United States, including but not limited to prepaid gift cards.

12. As a result of the forgoing acts of infringement of the '474 patent, PrivaCash has suffered damages as a result of the infringing activities of defendants, and will continue to suffer such damage as long as those infringing activities continue.

PRAYER FOR RELIEF

WHEREFORE, PrivaCash, Inc. requests a judgment in its favor and against American Express Travel Related Services Company, Inc. and American Express Prepaid Card Management Corporation for the following relief:

A. A determination and declaration that American Express Travel Related Services Company, Inc. and American Express Prepaid Card Management Corporation have been and/or are directly or jointly infringing the '474 patent;

B. Preliminary and permanent injunctive relief restraining American Express Travel Related Services Company, Inc. and American Express Prepaid Card Management Corporation, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert or participation with the defendants who receive actual notice of the order, from further infringement of the '474 patent;

C. An award of damages to PrivaCash;

D. An award of interest on all damages awarded;

E. Declaring this an exceptional case within the meaning of 35 U.S.C. § 285, and awarding plaintiff Cheetah Omni its reasonable attorney's fees, costs, and disbursements;

F. Such other and further relief as PrivaCash may be entitled to.

DEMAND FOR JURY TRIAL

PrivaCash demands a trial by jury for all issues so triable.

Dated: November 9, 2012

Respectfully submitted,

/s/ T. John Ward, Jr.

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