

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM GRECIA,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

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Case No. 19-cv-2811 (VEC)

AMENDED COMPLAINT

JURY TRIAL DEMANDED

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William Grecia brings this patent-infringement action against Citibank, N.A. (hereinafter, "Citibank").

Parties

1. William Grecia is an individual. He maintains a residence in Downingtown, Pennsylvania.
2. Citibank is a national banking association, having a principal place of business in New York, New York.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court may exercise personal jurisdiction over Citibank. Citibank conducts

continuous and systematic business in New York and in this District. Citibank maintains corporate offices in this District. This patent-infringement case arises directly from Citibank's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Citibank would be consistent with traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and 1400(b).

Claim Construction

7. On September 8, 2018, the Court (Sullivan, J.) entered an order construing claim terms set forth in the patent-in-suit. *Grecia v. Mastercard Int'l Inc.*, Case No. 15-cv-9059 (RJS) (S.D.N.Y. Sept. 8, 2018) (Doc. 89). "Cloud digital content" means "data capable of being processed by a computer." (*Id.* at 11.) "Verified web service" means "a web service that is used to authenticate the identity of a user or device." (*Id.* at 12.) "Verification token" means "data that represents permission to access digital media or cloud digital content." (*Id.* at 15.)

Infringement of U.S. Patent No. 8,887,308

8. William Grecia hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-7 above.

9. William Grecia is the exclusive owner of the '308 patent, which is attached hereto as "Exhibit A."

10. The '308 patent is valid and enforceable.

11. The '308 patent claims patentable subject matter under § 101. Indeed, the United States Patent and Trademark Office examined the elements of the '308 patent and found an "inventive concept": "[N]either Baiya nor Wimmer either singly or in combination implicitly or explicitly suggests a process for transforming a user access request for cloud digital content into

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a computer readable authorization object with the steps of” (File History Excerpt attached hereto as “Exhibit B.” (emphasis in original).)

12. The U.S. Patent and Trademark Office then quoted the following elements of the ‘308 patent as providing this “inventive concept”: “establishing an API communication between the apparatus of (a) and a database apparatus, the database apparatus being a different database from the verification token database of (b) wherein the API is related to a verified web service, wherein the verified web service is a part of the database apparatus, wherein establishing the API communication requires a credential assigned to the apparatus of (a), wherein the apparatus assigned credential is recognized as a permission to conduct a data exchange session between the apparatus of (a) and the database apparatus to complete the verification process, wherein the data exchange session is also capable of an exchange of query data, wherein the query data comprises at least one verified web service account identifier; then d) requesting the query data, from the apparatus of (a), from the API communication data exchange session of (c), wherein the query data request is a request for the at least one verified web service identifier. (Ex. B (File History) (emphasis in original).)

13. “Since no prior art teaches or suggests any process with the above allowable limitations, claim [1] is allowed. (Ex. B (File History).)

14. The U.S. Patent and Trademark Office has denied three petitions for *inter partes* review filed against the ‘308 patent. Each of these decisions affirms the U.S. Patent and Trademark Office’s initial determination that the elements of the ‘308 patent disclose an “inventive concept.” On August 30, 2016, the U.S. Patent and Trademark Office held the ‘308 patent valid over prior art that failed to teach or suggest “a credential assigned to the apparatus of

(a)” or “requesting the query data, from the apparatus of (a)” (Decision in *Unified Patents Inc. v. Grecia* attached as “Exhibit C.”)

15. On January 19, 2017, the U.S. Patent and Trademark Office held the ‘308 patent valid over prior art that failed to teach “establishing an API communication between the apparatus of (a) and a database apparatus,” “wherein establishing the API communication requires a credential assigned to the apparatus of (a),” or “the apparatus of (a) using a cross-referencing action during subsequent user access requests to determine one or more of a user access permission for the cloud digital content.” (Decision in *DISH Network, L.L.C. v. Grecia* attached hereto as “Exhibit D.”)

16. On July 3, 2017, the U.S. Patent and Trademark Office held the ‘308 patent valid over prior art that failed to disclose “a computer readable authorization object.” (Decision in *Mastercard Int’l Inc. v. Grecia* attached hereto as “Exhibit E.”)

17. Claim 1 covers, “A process for transforming a user access request for cloud digital content into a computer readable authorization object” Citibank’s service, Citi with Zelle (hereinafter, “CZelle”), infringes claim 1, transforming a user’s email address, for example, into a payment token that may be used to send and receive money safely. The ‘308 patent teaches, “the invention is a process of an apparatus . . . another apparatus, tangible computer medium, or associated methods (hereinafter referred to as The App)” (Ex. A (‘308 patent), col. 3:15-19.) In this case, Citibank’s service, CZelle, is The App taught and claimed in the ‘308 patent

18. Claim 1 involves, “receiving an access request for cloud digital content through an apparatus in process with at least one CPU, the access request being a write request to a data

store, wherein the data store is at least one of: a memory connected to the at least one CPU; a storage connected to the at least one CPU; and a database connected to the at least one CPU through the Internet; wherein the access request further comprises verification data provided by at least one user, wherein the verification data is recognized by the apparatus as a verification token” CZelle, which includes software, hardware, and firmware owned and controlled by Citibank (hereinafter, the “Citi App”), receives a write request for access to Zelle cloud digital financial account data through a CPU to write a Zelle “token” (i.e., a “computer readable authorization object”) to storage. This write request is the Citibank customer registering his email address and mobile telephone number with the CZelle service, the Citi App. The customer’s email address and mobile telephone number is the “verification token.” The Citi App practices the step of “receiving” covered by claim 1 of the ‘308 patent.

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19. Zelle is offered directly within the Citi App. (See Claim Chart attached hereto as “Exhibit F.”) Citibank, Zelle, or both deleted from public view the document styled IBM Zelle RESTful API #27050366, which demonstrates how the Citi App practices steps of claim 1 of the ‘308 patent. A copy of this deleted document has been preserved by Mr. Grecia and is excerpted in the attached claim chart.

20. Next, claim 1 involves “authenticating the verification token of (a) using a database recognized by the apparatus of (a) as a verification token database” Citibank’s CZelle has a database that Citibank uses to authenticate a CZelle user’s email address and mobile telephone number. The Citi App practices the “authenticating” step covered by claim 1 of the ‘308 patent.

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21. Claim 1 involves “establishing an API communication between the apparatus of

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