

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

LIBERTY PEAK VENTURES, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
THE CHARLES SCHWAB	§	
CORPORATION, CHARLES SCHWAB &	§	CIVIL ACTION NO. _____
CO., INC., and CHARLES SCHWAB	§	
BANK, SSB,	§	
	§	
Defendants.	§	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Liberty Peak Ventures, LLC files this Complaint in this Eastern District of Texas (the “District”) against Defendants The Charles Schwab Corporation, Charles Schwab & Co., Inc., and Charles Schwab Bank, SSB (collectively, “Defendants”) for infringement of U.S. Patent Nos. 7,953,671 (the “671 patent”), 8,794,509 (the “509 patent”), 8,851,369 (the “369 patent”), 9,195,985 (the “985 patent”), and 8,905,301 (the “301 patent”), 8,572,712 (the “712 patent”), and 6,886,101 (the “101 patent”), which are collectively referred to as the “Asserted Patents.”

THE PARTIES

1. Plaintiff Liberty Peak Ventures, LLC (“LPV” or “Plaintiff”) is a Texas limited liability company located at 812 W. McDermott Drive #1066, Allen, TX 75013.

2. On information and belief, Defendant The Charles Schwab Corporation (“Schwab Corp.”) is a corporation organized under the laws of the state of Delaware, with its principal place of business located at 3000 Schwab Way, Westlake, Texas 76262. Schwab Corp. may be served with process via its registered agents and via its corporate officers. Schwab Corp. is a publicly traded company on the New York Stock Exchange under the symbol “SCHW.”

3. On information and belief, Defendant Charles Schwab & Co., Inc. (“S&C, Inc.”) is a corporation organized under the laws of California, having a principal office located at 211 Main Street, San Francisco, California 94105. S&C, Inc. is a subsidiary of Defendant Schwab Corp. S&C, Inc. may be served with process via its registered agents and/or its corporate officers.

4. On information and belief, Defendant Charles Schwab Bank, SSB (“Schwab Bank”) is a federally chartered savings association with its principal place of business located at 3000 Schwab Way, Westlake, Texas 76262. Schwab Bank is a subsidiary of Defendant Schwab Corp. Schwab Bank may be served with process via its registered agents. The term “Schwab” is used herein to refer to The Charles Schwab Corporation, Charles Schwab & Co., Inc., and Charles Schwab Bank, SSB.

5. On information and belief, Schwab does business in three major business segments: the Commercial Bank, the Retail Bank, and Wealth Management segments, in addition to a Finance segment. Schwab “maintains a nationwide presence across a network of branches and operations centers, and [its] Westlake [Texas] location provides a centrally located hub for the Company.” *Form 10-K of The Charles Schwab Corporation Annual Report 2021*, at p. 1, CHARLES SCHWAB CORPORATION, *available for download at* <https://www.aboutschwab.com/annual-report> (hereinafter “2021 Annual Report”). Schwab “engages, through its subsidiaries ... in wealth management, securities brokerage, banking, asset management, custody, and financial advisory services.” *Id.* Moreover, “Schwab provides financial services to individuals and institutional clients through two segments – Investor Services and Advisor Services. The Investor Services segment provides retail brokerage, investment advisory, and banking and trust services to individual investors, and retirement plan services, as well as other corporate brokerage services, to businesses and their employees. The Advisor Services segment provides custodial, trading, banking and trust,

and support services, as well as retirement business services, to independent registered investment advisors (RIAs), independent retirement advisors, and recordkeepers.” *Id.*

6. On information and belief, Schwab contracts with and issues debit cards to its customers (“cardholders”) to provide card services. *See Schwab Bank Debit Card*, CHARLES SCHWAB BANK, <https://www.schwab.com/checking/debit-card> (identifying debit card products provided by Schwab) (last visited July 28, 2022). On information and belief, Schwab also provides mobile and online banking services associated with its banking products, such as debit card, checking, and savings accounts. *See Overview*, CHARLES SCHWAB BANK, <https://www.schwab.com/checking> (last visited July 28, 2022). The Asserted Patents cover Schwab’s products, services, and methods related to the offering, issuing, providing, registering, facilitating, maintaining, transacting, authenticating, and processing commercial transactions via banking products, including checking, savings, and debit card accounts, which are designed, developed, manufactured, distributed, sold, offered for sale, and used by Schwab and/or their customers, consumers, and clients. For example, Schwab infringes the Asserted Patents via at least Schwab Bank Debit Cards, mobile banking, and mobile wallets, which are services that allow Schwab’s clients and consumers to conduct financial and banking transactions via banking and debit accounts. *See id.* Moreover, Schwab’s infringing banking product systems and processes are compatible with application-based (“app”) mobile payment methods, such as Google Pay and Samsung Pay, that are installed on a consumer’s device, such as a mobile phone, tablet, or smartwatch. *See id.*

7. On information and belief, Defendants, on their own and/or via divisions, subsidiaries, partners, and affiliates maintain a corporate and commercial presence in the United States, including in Texas and this District, via at least 1) Schwab’s headquarters/regional campus,

physical branch locations, operation centers, and ATM locations established throughout Texas, including this District; 2) Schwab's online presence (e.g., <https://www.schwab.com/>) that provides to consumers access to Defendants' banking products and services, including those identified as infringing herein; and 3) consumers and clients of Defendants who utilize Schwab Bank debit card account services, at the point of sale, including via contactless payment methods, in numerous merchant physical and online sites, i.e., retail stores, restaurants, and other service providers accepting Schwab Bank debit cards. *See, e.g., Schwab Bank Debit Card*, CHARLES SCHWAB BANK, <https://www.schwab.com/checking/debit-card> ("Pay securely and without making contact. All you have to do is tap and hold your Schwab Bank ... Debit Card at a contactless-enabled terminal ... It's easy, convenient, and safe.") (last visited July 28, 2022). Defendants, on their own and/or via alter egos, agents, divisions, subsidiaries, partners, and affiliates maintain branch locations in this District located, as one for example, at 3310 Dallas Parkway, Suite 111, Plano, Texas 75093, among other properties found at <https://client.schwab.com/public/branchlocator/accessschwab.aspx>. Thus, Defendants do business, including committing infringing acts, in the U.S., the state of Texas, and in this District.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others.

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

A. Defendant Schwab Corp.

10. On information and belief, Defendant The Charles Schwab Corporation ("Schwab Corp.") is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and this

District, including: (A) at least part of its infringing activities alleged herein which purposefully avail the Defendant of the privilege of conducting those activities in this state and this District and, thus, submits itself to the jurisdiction of this Court; and (B) regularly doing or soliciting business, engaging in other persistent conduct targeting residents of Texas and this District, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported and services provided to and targeting Texas residents and residents of this District vicariously through and/or in concert with its alter egos, divisions, intermediaries, agents, suppliers, distributors, partners, subsidiaries, clients, customers, affiliates, and/or consumers, including, but not limited to, its subsidiaries Charles Schwab & Co., Inc. and Charles Schwab Bank, SSB.

11. For example, Schwab “maintains a nationwide presence across a network of branches and operations centers, and [its] Westlake [Texas] location provides a centrally located hub for the Company.” *Form 10-K of The Charles Schwab Corporation Annual Report 2021*, at p. 1, CHARLES SCHWAB CORPORATION, available for download at <https://www.aboutschwab.com/annual-report> (hereinafter “2021 Annual Report”). Indeed, Schwab “engages, through its subsidiaries [Charles Schwab & Co., Inc. and Charles Schwab Bank, SSB] ... in wealth management, securities brokerage, banking, asset management, custody, and financial advisory services.” *Id.*

12. Such a corporate and commercial presence in Texas, including its headquarters being located in this District, by Defendant Schwab Corp. furthers the development, design, manufacture, distribution, sale, and use of Schwab Corp.’s infringing products, services, and methods for offering, issuing, providing, registering, facilitating, maintaining, transacting, authenticating, and processing commercial transactions via debit cards, online banking accounts, and associated accounts. Through direction and control of its alter egos, divisions, suppliers,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.