

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AUTHWALLET, LLC,)	
Plaintiff,)	
)	Civil Action No. 3:22-cv-01778
v.)	
)	
HOTELS.COM, L.P.,)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

AuthWallet, LLC (“Wallet”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,099,368 (“the ‘368 patent”) (referred to as the “Patent-in-Suit”) by Hotels.com, L.P., (“Hotels”).

I. THE PARTIES

1. Plaintiff Wallet is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, Hotels is a corporation existing under the laws of the State of Texas, with a principal place of business located at 5400 LBJ Freeway, Suite 500, Dallas, TX 75240. On information and belief, Hotels sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Hotels may be served at its registered agent at National Registered Agents, Inc., 1999 Bryan St., Ste 900, Dallas, TX 75201-3136 or wherever they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271, et. seq.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '368 Patent

6. On Jan 17, 2012, U.S. Patent No. 8,099,368 ("the '368 patent", attached as Exhibit A) entitled "Intermediary Service and Method for Processing Financial Transaction Data with Mobile Device Confirmation" was duly and legally issued by the U.S. Patent and Trademark Office. Wallet owns the '368 patent by assignment.

7. The '368 patent relates to novel and improved methods and systems to utilize a mobile device to provide out of band communications notifying a customer of a financial transaction request.

8. Hotels maintains, operates, and administers online platforms, products and services that facilitate utilizing a mobile device to provide out of band communications notifying a customer of a financial transaction request that infringes one or more claims of the '368 patent, including one or more of claims 1-29, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '368 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in Exhibit B. These allegations of infringement are preliminary and are therefore subject to change.

10. Hotels has and continues to induce infringement. Hotels has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., utilizing a mobile device to provide out of band communications notifying a customer of a financial transaction request) such as to cause infringement of one or more of claims 1–29 of the '368 patent, literally or under the doctrine of equivalents. Moreover, Hotels has known or should have known of the '368 patent and the technology underlying it from at least the date of issuance of the patent.

11. Hotels has and continues to contributorily infringe. Hotels has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g. utilizing a mobile device to provide out of

band communications notifying a customer of a financial transaction request) and related services such as to cause infringement of one or more of claims 1–29 of the ‘368 patent, literally or under the doctrine of equivalents. Moreover, Hotels has known or should have known of the ‘368 patent and the technology underlying it from at least the date of issuance of the patent.

12. Hotels has caused and will continue to cause Wallet damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘368 patent.

IV. JURY DEMAND

Wallet hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, Wallet prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the ‘368 patent;
- b. award Wallet damages in an amount sufficient to compensate it for Defendant’s infringement of the ‘368 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Wallet an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Wallet its attorneys’ fees, expenses, and costs incurred in this action;
- e. declare Defendant’s infringement to be willful and treble the damages, including attorneys’ fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and

subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

- g. award Wallet such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey, LLP

William P. Ramey, III

Texas State Bar No. 24027643

Jeffrey Kubiak (Pro Hac Vice anticipated)

Texas State Bar No. 24028470

5020 Montrose Blvd., Suite 800

Houston, Texas 77006

(713) 426-3923 (telephone)

(832) 900-4941 (fax)

wramey@rameyfirm.com

jkubiak@rameyfirm.com

Attorneys for AuthWallet, LLC