

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

SECURE AXCESS, LLC

Plaintiff,

v.

- (1) DELL INC.;
- (2) AMERICAN BANK OF TEXAS;
- (3) CITIGROUP INC.;
- (4) CITIZENS STATE BANK;
- (5) CONTINENTAL AIRLINES, INC.;
- (6) EVITE, LLC;
- (7) FUNDSXPRESS FINANCIAL NETWORK, INC.;
- (8) HOTELS.COM, L.P.;
- (9) JPMORGAN CHASE & CO.;
- (10) MATCH.COM, L.L.C.;
- (11) SUNTRUST BANKS, INC.; and
- (12) THE PEP BOYS – MANNY, MOE & JACK

Defendants.

CIVIL ACTION NO. 6:11-CV-338

ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT

**JURY TRIAL DEMANDED**

Plaintiff Secure Axxess, LLC (“Secure Axxess”), based on its own personal knowledge with respect to its own actions and based on information and belief as to all others’ actions, files this Original Complaint against the above-named defendants, alleging as follows:

**PARTIES**

1. Secure Axxess is a limited liability company formed under the laws of the State of Texas, with a principal place of business in Plano, Texas.

2. Defendant Dell Inc. (“Dell”) is a corporation organized under the laws of the State of Delaware, with a principal place of business in Round Rock, Texas. Dell can

be served via its registered agent for service of process: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

3. Defendant American Bank of Texas (“ABT”) is a Texas State Financial Institution chartered under the laws of the State of Texas, with a principal place of business in Sherman, Texas. ABT can be served via its registered agent for service of process: Wes Shelton, 2011 Texoma Parkway, Sherman, TX 75090.

4. Defendant Citigroup Inc. (“Citigroup”) is a corporation organized under the laws of the State of Delaware, with a principal place of business in New York, New York. Citigroup can be served via its registered agent for service of process: CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201.

5. Defendant Citizens State Bank (“CSB”) is a Texas State Financial Institution chartered under the laws of the State of Texas, with a principal place of business in Tyler, Texas. CSB may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because CSB engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

6. Defendant Continental Airlines, Inc. (“Continental”) is a corporation organized under the laws of the State of Delaware, with a principal place of business in Houston, Texas. Continental can be served via its registered agent for service of process: CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201.

7. Defendant Evite, LLC (“Evite”) is a limited liability company organized under the laws of the State of Delaware, with a principal place of business in Los Angeles, California. Evite may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Evite engages in business in Texas but has not designated or maintained a resident agent for service of process in Texas as required by statute.

8. Defendant FundsXpress Financial Network, Inc. (“FundsXpress”) is a corporation organized under the laws of the State of Texas, with a principal place of business in Austin, Texas. FundsXpress can be served via its registered agent for service of process: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

9. Defendant Hotels.com, L.P. (“Hotels.com”) is a limited partnership organized under the laws of the State of Texas, with a principal place of business in Dallas, Texas. Hotels.com can be served via its registered agent for service of process: National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

10. Defendant JPMorgan Chase & Co. (“JPMorgan”) is a corporation organized under the laws of the State of Delaware, with a principal place of business in New York, New York. JPMorgan can be served via its registered agent for service of process: CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201.

11. Defendant Match.com, L.L.C. (“Match.com”) is a limited liability company organized under the laws of the State of Delaware, with a principal place of business in Dallas, Texas. Match.com can be served via its registered agent for service of process: National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

12. Defendant Suntrust Banks, Inc. (“Suntrust”) is a corporation organized under the laws of the State of Georgia, with a principal place of business in Atlanta, Georgia. Suntrust can be served via its registered agent for service of process: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

13. Defendant The Pep Boys - Manny, Moe & Jack (“Pep Boys”) is a corporation organized under the laws of the State of Pennsylvania, with a principal place of business in Philadelphia, Pennsylvania. Pep Boys can be served via its registered agent for service of process: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

**JURISDICTION AND VENUE**

14. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

15. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, each defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

16. Each defendant 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 each defendant's substantial business in this forum, 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 in this district.

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 6,601,169**

17. On July 29, 2003, United States Patent No. 6,601,169 ("the 169 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Key-Based Secure Network User States". A true and correct copy of the 169 patent is attached hereto as Exhibit A.

18. Secure Access is the owner of the 169 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 169 patent against infringers, and to collect damages for all relevant times.

19. Dell directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the dell.com website) that infringed one or more claims of the 169 patent.

20. ABT directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the abtexas.com website) that infringed one or more claims of the 169 patent.

21. Citigroup directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the citi.com and citibank.com websites) that infringed one or more claims of the 169 patent.

22. CSB directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the mybankcsb.com website) that infringed one or more claims of the 169 patent.

23. Continental directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the continental.com website) that infringed one or more claims of the 169 patent.

24. Evite directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the evite.com website) that infringed one or more claims of the 169 patent.

25. FundsXpress directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that interact with the mybankcsb.com website) that infringed one or more claims of the 169 patent.

26. Hotels.com directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or

systems (including at least its products and systems that use the hotels.com website) that infringed one or more claims of the 169 patent.

27. JPMorgan directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the chase.com and retireonline.com websites) that infringed one or more claims of the 169 patent.

28. Match.com directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the match.com website) that infringed one or more claims of the 169 patent.

29. Suntrust directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the suntrust.com website) that infringed one or more claims of the 169 patent.

30. Pep Boys directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (including at least its products and systems that use the pepboys.com website) that infringed one or more claims of the 169 patent.

31. Secure Axxess has been damaged as a result of the infringing conduct by defendants alleged above and, thus, such defendants are liable to Secure Axxess in an amount that adequately compensates it for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Secure Axxess hereby requests a trial by jury on all issues so triable by right.

**PRAYER FOR RELIEF**

Secure Axxess requests that the Court find in its favor and against defendants, and

that the Court grant Secure Access the following relief:

a. Judgment that one or more claims of the 169 patent have been infringed, either literally and/or under the doctrine of equivalents, by one or more defendants and/or by others to whose infringement defendants have contributed and/or by others whose infringement has been induced by defendants;

b. A permanent injunction enjoining defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the 169 patent;

c. Judgment that defendants account for and pay to Secure Access all damages to and costs incurred by Secure Access because of defendants' infringing activities and other conduct complained of herein;

d. That Secure Access be granted pre-judgment and post-judgment interest on the damages caused by defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award Secure Access its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That Secure Access be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 27, 2011

Respectfully submitted,

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