

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

QUEST NETTECH CORPORATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Case No. 2:19-cv-00118

**JURY TRIAL DEMANDED**

**PLAINTIFF'S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Quest NetTech Corporation (“NetTech” or “Plaintiff”), files this Second Amended Complaint against Defendant, Apple Inc. (“Apple” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

**THE PARTIES**

1. Plaintiff, NetTech, is a limited liability company organized and existing under the laws of the State of Texas in 2009, and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. NetTech is the owner of all right, title, and interest in and to U.S. Reissue Patent No. RE 38,137 (the “137 Patent” or “Patent-in-Suit”), a true and correct copy of which is annexed hereto as Exhibit A.

2. Upon information and belief, Defendant Apple is a California corporation having a principal place of business in Cupertino, California and regular and established places of business at 2601 Preston Road, Frisco, Texas, and 6121 West Park Boulevard, Plano, Texas, as

well as other locations in Texas at the time of the original complaint.<sup>1</sup> Apple offers and sells its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

### **JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). As of the time of the original complaint, Apple has regular and established places of business in this Judicial District, including in Frisco and Plano, is deemed to reside in this Judicial District, has committed acts of infringement in this Judicial District, and/or has purposely transacted business involving the accused devices in this Judicial District. *See* Exs. B, C.

5. This Court has personal jurisdiction over Apple. Apple conducts business and has committed acts of patent infringement in this Judicial District, the State of Texas, and elsewhere in the United States.

### **PATENT-IN-SUIT**

6. On June 10, 2003, the United States Patent and Trademark Office duly and legally issued the '137 Patent entitled "Programmable Multiple Company Credit Card System." A true and correct copy of the '137 Patent is attached hereto as Exhibit A.

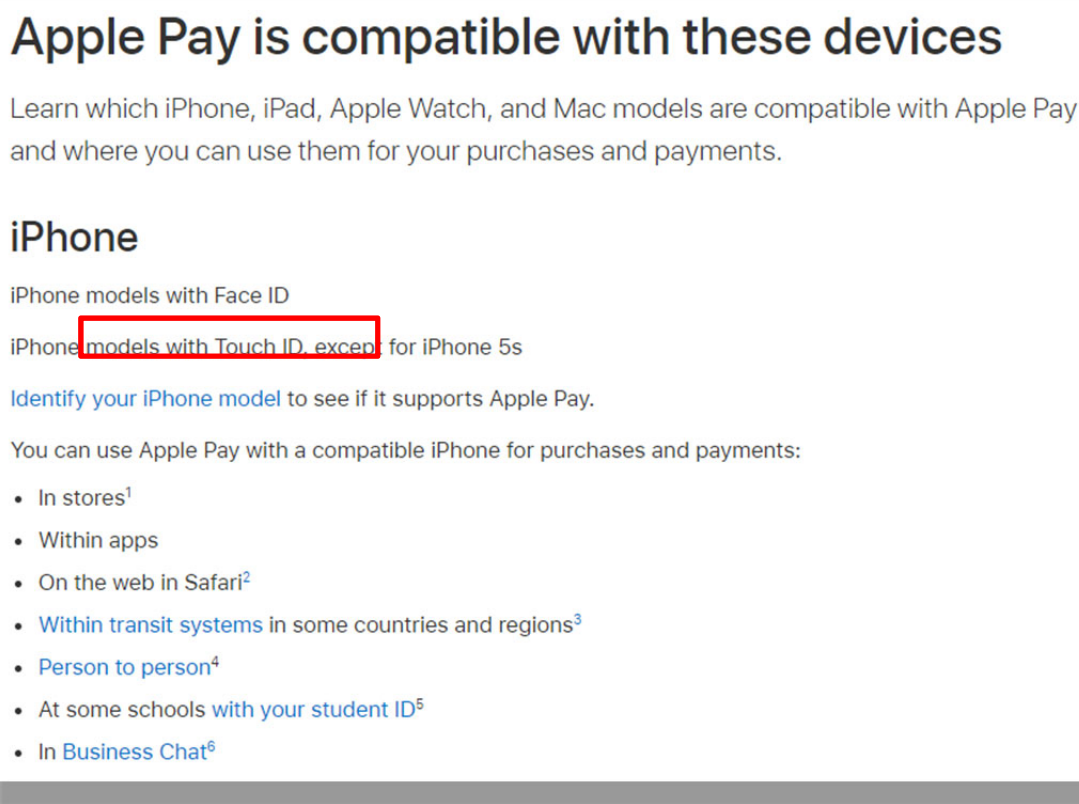
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<sup>1</sup> *See* Apple Willow Bend, Apple (Retrieved April 11, 2019), <https://www.apple.com/retail/willowbend> (attached hereto as Exhibit B); Apple Stonebriar, Apple (Retrieved April 11, 2019), <https://www.apple.com/retail/stonebriar> (attached hereto as Exhibit C).

## FACTUAL ALLEGATIONS

7. The Patent-in-Suit generally covers a multiple account electronic credit card, comprising a processor, a memory, and an interface for communication with a card reader, also capable of electronically compiling, storing, and retrieving data related to the holder and a plurality of accounts and transactions in real time as transactions occur.

8. Apple manufactures, uses, sells, offers for sale, and/or imports into the United States electronic devices such as, but not limited to the iPhone 6 (hereinafter the “Accused Devices”). The Accused Devices, together with Apple’s software components such as, but not limited to, Apple Pay, iOS 8, iOS 9, and/or iOS 10 are configured to interact with Apple’s servers which provide the Apple Pay service, among other services provided by Apple and utilized by Apple’s customers when operating the Accused Devices.



### Apple Pay is compatible with these devices

Learn which iPhone, iPad, Apple Watch, and Mac models are compatible with Apple Pay and where you can use them for your purchases and payments.

#### iPhone

iPhone models with Face ID

iPhone models with Touch ID, except for iPhone 5s

[Identify your iPhone model](#) to see if it supports Apple Pay.

You can use Apple Pay with a compatible iPhone for purchases and payments:

- In stores<sup>1</sup>
- Within apps
- On the web in Safari<sup>2</sup>
- [Within transit systems](#) in some countries and regions<sup>3</sup>
- [Person to person](#)<sup>4</sup>
- At some schools [with your student ID](#)<sup>5</sup>
- In [Business Chat](#)<sup>6</sup>

<https://support.apple.com/en-us/HT208531>

## Step 1 iPhone 6 Teardown



The header for the 'iPhone 6 Teardown' article features the text 'iPhone 6' in a large, bold font. Below it is a stylized blue logo of a disassembled iPhone with the word 'TEARDOWN' in white capital letters on a black background. To the right of the logo is a photograph of an iPhone 6.



The article's specifications are listed in a bulleted format. A red box highlights the 'Touch ID' section, which lists: home button fingerprint sensor, barometer, 3-axis gyro, accelerometer, and ambient light sensor.

- It's iPhone 6 time! Let's check out some tech specs:
- Apple A8 processor with 64-bit architecture
- M8 second-generation motion coprocessor
- 16, 64, or 128 GB onboard storage capacity
- 4.7-inch 1334x750 pixels (326 ppi) Retina HD display
- 8 MP iSight camera (with 1.5µ pixels and phase-detection autofocus) and a 1.2 MP FaceTime camera
- **Touch ID** home button fingerprint sensor, barometer, 3-axis gyro, accelerometer, ambient light sensor
- 802.11a/b/g/n/ac Wi-Fi + Bluetooth 4.0 + NFC + 20-band LTE

iPhone 6 Teardown, IFIXIT, <https://www.ifixit.com/Teardown/iPhone+6+Teardown/29213> (April 8, 2019).

## Apple Pay allows you to pay at the counter with your iPhone 6

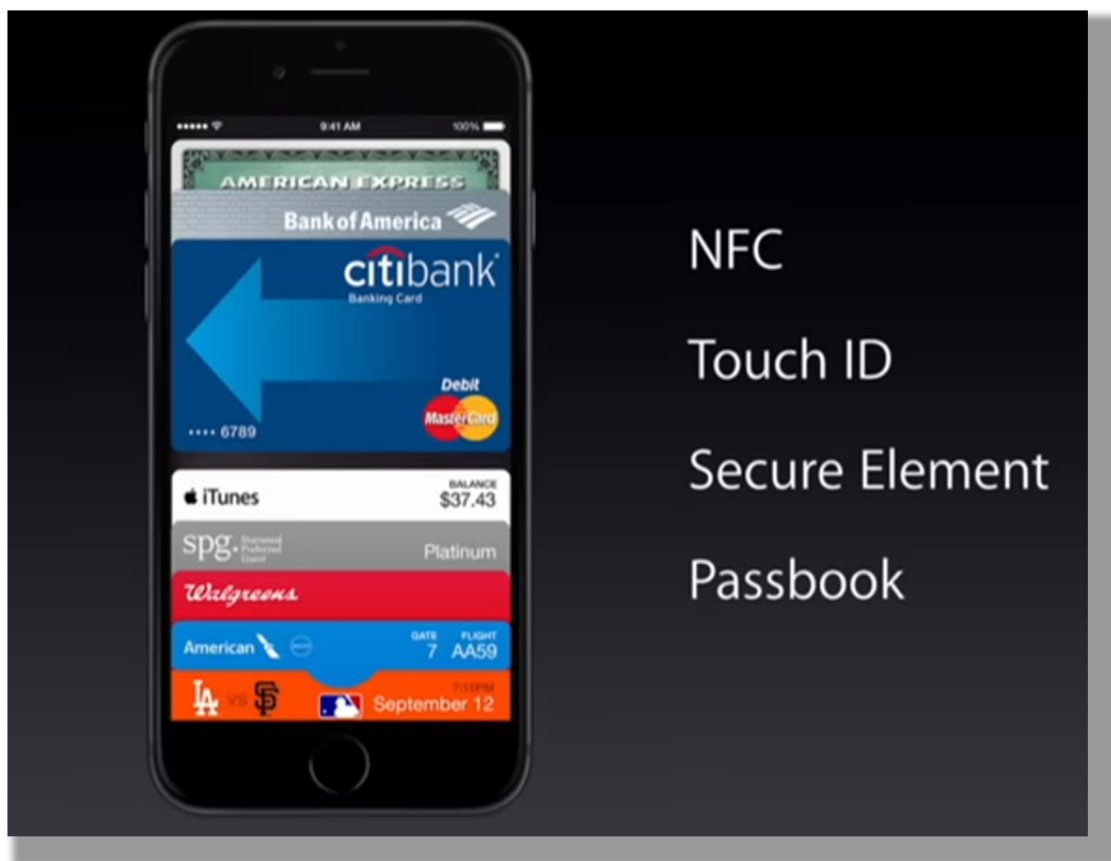
After years of filing patents while publicly deriding NFC, the company is ready to bring the mobile payments tech to the masses

By Adrienne Jeffries | @adrieffries | Sep 9, 2014, 1:49pm EDT  
Source Apple

<https://www.theverge.com/2014/9/9/6084211/apple-pay-iphone-6-nfc-mobile-payment>

9. The Accused Devices comprise an electronic credit card for handling multiple accounts comprising, a common processor for controlling operation of the credit card relative to all of the multiple accounts; a memory for storing financial transaction records relative to the multiple accounts, and for storing holder information and secondary account information; and an NFC interface for communication with a card reader. The Accused Devices includes additional

functionalities wherein personal information identifying an authorized person for the electronic credit card and wherein the secondary account information, including credit card issuer information for each of a plurality of accounts, are stored on the memory of the accused device; wherein said memory is of sufficient size to store financial transaction records related to a predetermined time period of use, and Apple Pay, iOS 8, iOS 9, and/or iOS 10 enable transfer of data stored in the memory to a new multiple account electronic credit card; and wherein said common processor is effective for handling the financial transaction records relative to all of the multiple accounts while being able to identify and retrieve information relating to specific accounts in response to operator commands.



Screen Capture from Apple September 9, 2014 Keynote Presentation at 48:25

(<https://www.youtube.com/watch?v=38IqQpwPe7s&t=1s>) (April 8, 2019).

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