

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ADVANCED TRANSACTIONS, LLC,

Plaintiff,

v.

DSW SHOE WAREHOUSE, INC.,

Defendant.

Case No. 6:24-cv-00103

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Advanced Transactions, LLC (“Advanced Transactions”) files this Complaint against DSW Shoe Warehouse, Inc. (hereinafter “DSW or “Defendant”) for infringement of United States Patent Nos. 7,065,555; 7,386,594; 7,693,950; 7,979,057; 8,150,736; 8,175,519; 9,747,608; and 10,783,529 (the “patents-in-suit”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Advanced Transactions is a limited liability company organized under laws of the State of Georgia with its principal place of business situated at the Day Building, Suite 230, 4725 Peachtree Corners Circle, Peachtree Corners, GA 30092.

3. On information and belief, defendant DSW is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 810 DSW Drive, Columbus, Ohio 43219.

4. On information and belief, DSW may be served with process through its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808 or anywhere it may be found.

5. DSW has been authorized to do business in the State of Texas and the Western District of Texas since on or about March 28, 1994, under Texas SoS File Number 0009943106.

6. On information and belief, DSW sells and offers to sell products and services throughout Texas, including in this judicial district, as well as throughout the United States, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be used, offered for sale, or sold in this judicial district and elsewhere in the United States.

7. On information and belief, DSW has made, used, offered to sell and/or sold products and services, including the following specifically accused products and

services: (1) DSW Marketing Emails;¹ (2) DSW Mobile Apps;² (3) DSW Gift Cards and e-Gift Cards;³ (4) the DSW website;⁴ (5) DSW online shopping services;⁵ (6) DSW in-store shopping services;⁶ (7) DSW Rewards;⁷ (8) current or legacy products or services, which use, or have used, one or more of the foregoing products and services as a component product or component service; (9) combinations of products and/or services comprising, in whole or in part, two or more of the foregoing products and services; and (10) all other current or legacy products and services imported, made, used, sold, or offered for sale by DSW that operate, or have operated in a substantially similar manner as the above-listed products and services. (As used herein, one or more of the foregoing products and services are individually and collectively referred to as the accused “DSW Marketing Products and Services”).

8. On information and belief, DSW, as well as the hardware and software components comprising the DSW Marketing Products and Services and/or that enable the DSW Marketing Products and Services to operate, including but not limited to

¹ See <https://www.dsw.com/en/us/legal/privacy-policy>.

² See e.g., <https://apps.apple.com/us/app/dsw-designer-shoe-warehouse/id918263528> and <https://play.google.com/store/apps/details?id=com.dsw.android>.

³ See <https://giftcards.dsw.com/>.

⁴ See <https://www.dsw.com/>.

⁵ See <https://www.dsw.com/en/us/shopping-bag/>.

⁶ See, e.g., <https://stores.dsw.com/usa/tx.html/>.

⁷ See, e.g., <https://www.dsw.com/en/us/vip>.

servers, server software, webserver software, webserver hardware, email server hardware, email server software, website client software, mobile computing device client application software, networked communications hardware, network routers, network switches, network hubs, WIFI access point hardware, WIFI access point software, point-of-sale hardware, point-of-sale software, back-end hardware, back-end software, cloud-based software, cloud-based hardware, and other hardware and software computing systems and components (individually and collectively referred to herein as the accused “DSW Marketing System”), infringes (literally and/or under the doctrine of equivalents) at least one claim of each of the patents-in-suit.

JURISDICTION AND VENUE

9. This Court has personal jurisdiction over DSW because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. §§ 271(a). In particular, on information and belief, DSW has made, used, offered to sell access to, and/or sold access to the accused DSW Marketing Products and Services in the Western District of Texas, and has made, used, offered to sell access to, and/or sold access to the DSW Marketing System in the Western District of Texas.

10. On information and belief, DSW is subject to the Court’s jurisdiction because it regularly conducts and solicits business, or otherwise engages in other persistent courses of conduct in this judicial district, and/or derives substantial revenue from the use, sale, and distribution of goods and services, including but not limited to the accused DSW Marketing Products and Services provided to individuals and businesses in the Western District of Texas.

11. On information and belief, DSW infringes the patent-in-suit in the Western District of Texas, at least, by making, using, offering to sell access to, and/or selling access to the accused DSW Marketing Products and Services in the Western District of Texas, and its making, use, offering to sell access to, and/or selling access to the DSW Marketing System.

12. On information and belief, DSW is a footwear store that operates more than 519 stores in the United States of America and Canada and online at <https://www.dsw.com/>.

13. Indeed, on information and belief, DSW operates at least 46 retail stores in the State of Texas alone, *see* <https://stores.dsw.com/usa/tx.html>, with retail stores

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