

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

**PURPLE LEAF, LLC,**

Plaintiff,

v.

**AMAZON.COM, INC. and AMAZON  
PAYMENTS, INC.,**

Defendants.

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Purple Leaf, LLC (together “Purple Leaf” or “Plaintiff”), as and for its Complaint against Amazon.com, Inc. and Amazon Payments, Inc. (collectively “Defendants”), demand a trial by jury and allege as follows:

**PARTIES**

1. Plaintiff Purple Leaf, LLC is a Texas limited liability company having a place of business at 2500 Dallas Parkway, Suite 260, Plano, Texas 75093.

2. On information and belief, Defendant Amazon.com, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1200 12<sup>th</sup> Ave. South, Suite 1200, Seattle, WA 98144. This defendant is registered to do business in Texas and has appointed Corporation Service Company, 1013 Centre Road, Wilmington, DE 19805, as its agent for service of process. Amazon.com, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant Amazon Payments, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 15600 NE 8<sup>th</sup> Street, Suite e B1 #975, Bellevue, WA 98008. This defendant is registered to do business in Texas and has appointed Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company, 211 East 7<sup>th</sup> Street, Suite 620, Austin, TX 78701, as its agent for service of process. Amazon Payments, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

#### **JURISDICTION AND VENUE**

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed acts of patent infringement in this district, including via their websites.

6. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because: each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas, including via their websites, pursuant to due process and/or the Texas Long Arm Statute, each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Purple Leaf, LLC's causes of action arise directly from

Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

7. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of interactive web pages) its products and services in the United States, the State of Texas, and the Eastern District of Texas. On information and belief, each Defendant has committed patent infringement in the State of Texas and in the Eastern District of Texas. Each Defendant solicits customers in the State of Texas and in the Eastern District of Texas. Each Defendant has customers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendants' products and services in the State of Texas and in the Eastern District of Texas.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,603,311 B1**

8. Purple Leaf, LLC is the owner of all rights, title and interest to United States Patent No. 7,603,311 B1 ("the '311 Patent") entitled "Process and Device for Conducting Electronic Transactions." The '311 Patent was issued on October 13, 2009 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '311 Patent was filed on November 25, 2000 and benefits from a priority date of November 29, 1999. A true and correct copy of the '311 Patent is attached hereto as Exhibit A.

9. The '311 Patent generally relates to methods and devices for conducting a transaction using a medium based on a receipt having payment remittance information.

10. On information and belief, Amazon.com, Inc. has been and now is infringing the '311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell services and products that practice methods and utilize devices for conducting a transaction using a medium based on a receipt having

payment remittance information. On information and belief, Amazon.com, Inc. services that practice such methods and products that employ such devices include, but are not limited to the “Amazon Payments” website, a service which allows a transaction to be conducted using a medium based on a receipt having payment remittance information. Defendant Amazon.com, Inc. is thus liable for infringement of the ‘311 Patent pursuant to 35 U.S.C. § 271.

11. On information and belief, Amazon Payments, Inc. has been and now is infringing the ‘311 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell services and products that practice methods and utilize devices for conducting a transaction using a medium based on a receipt having payment remittance information. On information and belief, Amazon Payments, Inc. services that practice such methods and products that employ such devices include, but are not limited to the “Amazon Payments” website, a service which allows a transaction to be conducted using a medium based on a receipt having payment remittance information. Defendant Amazon Payments, Inc. is thus liable for infringement of the ‘311 Patent pursuant to 35 U.S.C. § 271.

12. To the extent that facts learned in discovery show that Defendants’ infringement of the ‘311 Patent is or has been willful, Purple Leaf reserves the right to request such a finding at time of trial.

13. As a result of Defendants’ infringement of the ‘311 Patent, Purple Leaf has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants’ infringing activities are enjoined by this Court.

14. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '311 Patent, Purple Leaf will be greatly and irreparably harmed.

**PRAYER FOR RELIEF**

WHEREFORE, Purple Leaf respectfully requests that this Court enter:

A. A judgment in favor of Purple Leaf that Defendant has infringed the '311 Patent, and that such infringement was willful;

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 infringing the '311 Patent;

C. A judgment and order requiring Defendants to pay Purple Leaf its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '311 Patent as provided under 35 U.S.C. § 284;

D. An award to Purple Leaf for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Purple Leaf its reasonable attorneys' fees; and

F. Any and all other relief to which Purple Leaf may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Purple Leaf, LLC under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 25, 2011

Respectfully submitted,

**PURPLE LEAF, LLC**

/s/ Winston O. Huff

Winston O. Huff, Attorney in Charge

State Bar No. 24068745

Arthur I. Navarro

State Bar No. 00792013

Navarro Huff, PLLC

302 N. Market, Suite 450

Dallas, TX 75202

214.749.1220 (Firm)

214.749.1233 (Fax)

[whuff@navarrohuff.com](mailto:whuff@navarrohuff.com)

[anavarro@navarrohuff.com](mailto:anavarro@navarrohuff.com)

ATTORNEYS FOR PLAINTIFF

PURPLE LEAF, LLC

**CERTIFICATE OF FILING**

I hereby certify that on July 25, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Dated: July 25, 2011

Respectfully submitted,

/s/ Winston O. Huff

Winston O. Huff, Attorney in Charge  
State Bar No. 24068745  
Arthur I. Navarro  
State Bar No. 00792013  
Navarro Huff, PLLC  
302 N. Market, Suite 450  
Dallas, TX 75202  
214.749.1220 (Firm)  
214.749.1233 (Fax)  
[whuff@navarrohuff.com](mailto:whuff@navarrohuff.com)  
[anavarro@navarrohuff.com](mailto:anavarro@navarrohuff.com)

ATTORNEYS FOR PLAINTIFF  
PURPLE LEAF, LLC