



Financial Services Patent Holding Company Update

This is Sutherland's September 2010 installment of its "Financial Patent Holding Company Update." These updates are intended to generally inform our readers about patent holding company (also referred to as non-practicing entity) activities in the financial services and e-commerce industries. If information provided herein is of interest, or if additional information is desired, we invite our readers to contact us.

Wolf Run Hollow LLC

Wolf Run Hollow LLC, filed a patent infringement complaint and a request for declaratory judgment relief against Jack Henry and Associates, Inc., and its newly acquired subsidiary, iPay Technologies, LLC. The suit was filed in the U.S. District Court for the Eastern District of Texas on September 21, 2010. The case is styled *Wolf Run Hollow LLC v. Jack Henry and Associates, Inc., et al.* (Source: RFC Express, 9-22-2010).¹ The patent-in-suit is U.S. Patent No. 6,115,817, entitled "Methods and Systems for Facilitating Transmission of Secure Messages Across Insecure Networks."

Wolf Run Hollow LLC, has filed suits involving the '817 patent in four federal courts this year. In October 2009, Wolf Run Hollow LLC also asserted the '817 patent in a lawsuit in the U.S. District Court for the Eastern District of Texas, accusing 14 banks of patent infringement. The '817 patent also has been asserted in lawsuits against three Georgia financial institutions filed in the U.S. District Court for the Northern District of Georgia. Two declaratory judgment cases brought by accused infringers also are pending. See *Digital Insight Corporation v. Wolf Run Hollow LLC*, Civil Action File No. 3:10-cv-01552-M (N.D. Tex. Filed Aug. 10, 2010), and *Open Solutions, Inc. v. Wolf Run Hollow LLC*, Civil Action File No. 4:10-cv-03442 (S.D. Tex. Filed Sept. 23, 2010).

The '817 patent allegedly relates to methods and systems for transmitting secure messages across an insecure network. For example, a sender may request a recipient's security software object by clicking on an icon on the recipient's Web page. A security software object is transmitted to the sender, and the object is utilized to secure the sender's message back to the recipient.

Ganas, LLC

Ganas, LLC, filed a patent infringement complaint against 23 defendants in the U.S. District Court for the Eastern District of Texas on August 25, 2010. The defendants include Sabre Holdings Corporation, SAP America, Inc., Scottrade, Inc., TD Ameritrade, Inc., The Charles Schwab Corporation, Tivo, Inc., Unicoi Systems, Inc., Xerox Corporation, Adobe Systems Incorporated, AOL Inc., Apple Inc., Axibase Corporation, DIRECTV, DISH DBS Corporation, E*TRADE Securities LLC, Exinda Networks, Fidelity

¹ Sutherland represents Jack Henry in litigation not related to this patent or technology.



Brokerage Services LLC, Firstrate Securities Inc., Hewlett-Packard Company, iControl Incorporated, International Business Machines Corporation, JPMorgan Chase & Co., and SAS Institute, Inc.

The patent-in-suit is U.S. Patent No. 7,136,913, entitled, "Object oriented communication among platform independent systems across a firewall over the internet using HTTP-SOAP." The '913 patent includes 30 claims and allegedly relates to a system for communicating over the Internet and through a firewall utilizing a single XML/HTTP object access protocol to control network elements at various locations. The case is styled *Ganas, LLC v. Sabre Holdings Corp., et al.* (Source: RFC Express, 8-25-2010)

Interval Licensing, LLC

Interval Licensing, LLC, which is the exclusive licensee of U.S. Patent Nos. 6,263,507; 6,034,652; 6,788,314; and 6,757,682, filed a patent infringement suit on November 27, 2010, in the U.S. District Court for the Western District of Washington against 11 defendants, including AOL Inc., Apple Inc., eBay, Google, Netflix, Office Depot Inc., OfficeMax Inc., Staples Inc., Yahoo Inc., Facebook, and Google's YouTube.

The patents-in-suit allegedly relate to a browser for use in navigating a body of information, with particular application for browsing information represented by audiovisual data. The case is styled *Interval Licensing LLC v. AOL, Inc., et al.* Interval Licensing, LLC, is owned by Paul Allen, a co-founder of Microsoft Corporation. The patents were obtained on technology developed by Interval Research Corporation, a technology incubator founded by Mr. Allen but now out of business. (Source: RFC Express, 8-28-2010)

If you have questions about any of these developments, please feel free to contact any of the attorneys listed below or the Sutherland attorney with whom you regularly work.

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