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

Autoscribe Corporation	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _____
	§	
Nuvei Corporation, Nuvei Technologies Corporation, and Nuvei Technologies, Inc.,	§	JURY TRIAL DEMANDED
	§	
	§	
Defendants.	§	
	§	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Autoscribe Corporation ("Autoscribe" or "Plaintiff") hereby submits this Original Complaint for patent infringement against Defendants Nuvei Corporation, Nuvei Technologies Corporation, and Nuvei Technologies, Inc. (together, "Nuvei" or "Defendants") and alleges, based on its own personal knowledge with respect to its own actions and based upon information and belief with respect to all others' actions, as follows:

I. THE PARTIES

1. Autoscribe is a Corporation organized under the laws of the state of Maryland with its principal place of business at 12276 San Jose Blvd, Suite 624, Jacksonville, FL 32223.

2. Nuvei Corporation is a corporation organized under the laws of Canada.[1] Nuvei Corporation can be served through Lindsay Matthews, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at 1100 René-Lévesque Boulevard West, Suite 900, Montreal, Quebec H3B 4N4.[2]

[1] https://investors.nuvei.com/node/6231/html (last visited April 29, 2024).
[2] https://www.sec.gov/Archives/edgar/data/1765159/000095010324003937/dp208474_6k.htm (last visited April 29, 2024)

3. Nuvei Technologies Corporation is a corporation organized under the laws of Canada.[3] Nuvei Corporation can be served through Lindsay Matthews, or any other person who appears to be in care and control of Nuvei Corporation and authorized to accept service of process on its behalf, at 1100 René-Lévesque Boulevard West, Suite 900, Montreal, Quebec H3B 4N4.[4]

4. Nuvei Technologies, Inc. is a corporation organized under the laws of Delaware, with a regular and established place of business at 5000 Legacy Drive, Suite 320, Plano, TX 75024.[5] Nuvei Technologies, Inc. can be served through its registered agent: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

6. As discussed in greater detail below, Defendants have committed acts of patent infringement and/or have induced and/or contributed to acts of patent infringement by others in this judicial district, the State of Texas, and elsewhere in the United States, by making, using, offering for sale, selling, or importing various products or services that infringe Autoscribe's Asserted Patent (defined below).

7. The Court has personal jurisdiction over Defendants, in part, because Defendants have minimum contacts within the State of Texas; Defendants have purposefully availed themselves of the privileges of conducting business in the State of Texas; Defendants regularly conduct business within the State of Texas; and Autoscribe's causes of action arise directly from

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[3] https://www.nuveipartner.com/privacy-policy (last visited April 29, 2024).
[4] https://www.sec.gov/Archives/edgar/data/1765159/000095010324003937/dp208474_6k.htm (last visited April 29, 2024)
[5] https://www.nuveipartner.com/privacy-policy (last visited April 15, 2024).

Defendants' business contacts and other activities in the State of Texas, including by virtue of Defendants' infringement in the State of Texas.

8. For example, Defendants have customers and partners in Texas such as the New Balance store in Frisco, Texas,[6] Hays Utility North Corporation in southeast Texas,[7] and Sabre Corporation in Southlake, Texas.[8]

9. For Nuvei Corporation and Nuvei Technologies Corporation, venue is proper under 28 U.S.C. § 1391(c) because these Defendants are subject to this Court's personal jurisdiction and, being alien corporations, may be sued in any district that has personal jurisdiction over them.

10. Venue is proper in this judicial District under 28 U.S.C. § 1400(b) for Nuvei Technologies, Inc. because it has a regular and estbalished place of business in the District and because it has committed patent infringement and/or has induced and/or contributed to acts of infringement by others in the District.

III. BACKGROUND

11. Fraud in credit card and other financial transactions is a major problem, particularly in the online marketplace. Considerable resources are devoted to securing credit card and other account information provided to online merchants by payers. A single breach of security incident can compromise millions of credit card accounts, and such breaches are reported on a regular basis. As such, customers' financial data are sensitive in nature and are subject to strict regulations. Companies that fail to adequately protect customers' credit card data may face significant legal and regulatory consequences.

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[6] https://finovate.com/nuvei-acquired-by-private-equity-firm/ (last visited April 29, 2024); https://www.newbalance.com/stores/ (last visted April 29, 2024).
[7] https://issuu.com/nuveitech/docs/nuvei_hays_case_study (last visited April 29, 2024).
[8] https://nuvei.com/company/press-releases/nuvei-integrates-with-sabre-to-offer-market-leading-payments-for-the-travel-and-hospitality-industries/ (last visited April 129, 2024).

12. Autoscribe is a leading financial services company and payment processor, currently processing more than $2 billion in transactions annually and servicing thousands of financial institutions and corporate billers across the nation. As part of its mission, Autoscribe has invested significant resources and capital into developing new technologies to facilitate transactions and assist billers in meeting their compliance needs while minimizing costs and complexity.

13. Autoscribe has protected these technologies with a robust and growing patent portfolio.

14. On April 4, 2023, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 11,620,621 ("the '621 Patent" or "the Asserted Patent"), titled "Enrolling a payer by a merchant server operated by or for the benefit of a payee and processing a payment from the payer by a secure server." The Asserted Patent is valid and enforceable.

15. The Asserted Patent is directed to "systems and methods for obtaining and using account information to process financial payments."

16. Autoscribe is the original applicant and the sole and exclusive owner of all rights, title, and interest in the Asserted Patent, including the sole and exclusive right to prosecute this action, to enforce the Asserted Patent against infringers, to collect damages for past, present and future infringement of the Asserted Patent, and to seek injunctive relief as appropriate under the law.

17. Autoscribe has complied with any marking requirements under 35 U.S.C. § 287 with regard to the Asserted Patent.

18. Nuvei is a financial services company that mainly provides payment processing

services and solutions. They process approximately $130 billion of payments annually, and most of the revenues are based on sales volume generated from their customers' daily sales and through various transaction and subscription-based fees for Nuvei's payment processing technologies.

19. As discussed in greater detail below, Defendants provide and use processing solutions, including their "Payment Page," "Simply Connect," "Web SDK" and "Server-to-server" products, that are covered by the Asserted Patent.

20. Defendants compete directly against Autoscribe, including through their "Payment Page," "Simply Connect," "Web SDK" and "Server-to-server" products, causing Autoscribe to lose significant profits.

21. Accordingly, Defendants' infringement, as described below, has injured, and continues to injure Autoscribe.

IV. COUNT I: INFRINGEMENT OF THE ASSERTED PATENT

22. Autoscribe incorporates each of the allegations of Paragraphs 1–21 above.

23. Defendants have directly infringed and continue to directly infringe the Asserted Patent by, for example, making, using, offering to sell, selling, and/or importing into the United States, without authority, products or services that practice one or more claims of the Asserted Patent.

24. Defendants are not licensed or otherwise authorized to make, use, offer for sale, sell or import any products or services that embody the inventions of the Asserted Patent in the United States.

25. Defendants have and continue to directly infringe one or more claims of the Asserted Patent, including, for example, claim 1, either literally or under the doctrine of equivalents, by performing every step of the claimed method in violation of 35 U.S.C. § 271.

26. Defendants' infringing services include, for example, the services Defendants

provide through their "Payment Page," "Simply Connect," "Web SDK" and "Server-to-server" products, as well as any other similar methods performed by Defendants (collectively, the "Infringing Methods").

27. For example, Representative Claim 1 of the Asserted Patent claims:

> A method of processing a payment transaction from a payer to a payee, the method being performed by one or more secure servers, the method comprising:
>
> > providing, by the one or more secure servers to a merchant server providing a webpage to a payer computing system used by the payer, an application programming interface (API) that:
> >
> > provides financial account registration and token retrieval functions that can be executed to process the payment transaction;
> >
> > provides access to the financial account registration and token retrieval functions to the merchant server;
> >
> > receives, from the merchant server via the API, at least one data element associated with the payer and a payment amount from the payer to the payee;
> >
> > authenticates the payee; and
> >
> > executes the financial account registration function, upon initiation by the merchant server, by:
> >
> > > generating a uniform resource locator (URL), for establishing a secure socket layer connection via the internet between the secure server and the payer computing system, the URL comprising either:
> > >
> > > > a dynamic URL generated by the secure server for the payer and the payee; or a static URL and a hypertext transport protocol (HTTP) parameter used by the secure server to identify the payer and the payee;
> > >
> > > establishing the secure socket layer connection, in response to an HTTP request received from the merchant server for the generated URL, between the secure server and the payer computing system within a window or frame that is displayed within the webpage provided by the merchant server;
> > >
> > > outputting instructions to the payer computing system, in response to the HTTP request for the generated URL, to render a financial account registration request form, within the window or frame that

is displayed within the webpage provided by the merchant server, that provides functionality for the payer to provide sensitive financial account information associated with a financial account; and

outputting instructions to the payer computing system, in response to the HTTP request for the generated URL, to encrypt the sensitive financial account information provided by the payer and transmit the encrypted financial account information to the secure server via the secure socket layer connection;

receiving the sensitive financial account information provided by the payer via the secure socket layer connection;

storing the sensitive financial account information in a secure storage location and performing each software process required to maintain compliance with one or more information security standards;

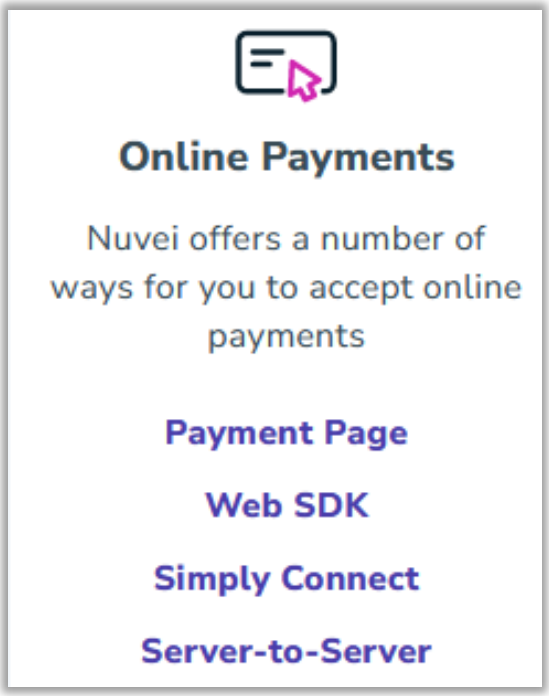
executing a token retrieval function, upon initiation by the merchant server via the API, by:

providing a non-sensitive electronic data token representing the sensitive financial account information to the merchant server without providing the sensitive financial account information to the merchant server and without providing the non-sensitive electronic data token to the payer; and

processing the payment transaction using the sensitive financial account information by generating and transmitting an electronic request requesting the payment amount from the financial account, obtaining the payment amount, and forwarding at least a portion of the payment amount to the payee.

28. Through their "Payment Page," "Simply Connect," "Web SDK" and "Server-to-server" products, Defendants perform a method of processing a payment transaction from a payer to a payee, the method being performed by one or more secure servers and meeting every element of Claim 1. The figures below are excerpts from Defendants' website providing an overview of their online payment options and the "Payment Page" product specifically:[9]

[9] https://docs.nuvei.com/documentation/home/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/ (last visited April 4, 2024).


Online Payments
Nuvei offers a number of ways for you to accept online payments
Payment Page
Web SDK
Simply Connect
Server-to-Server

PAYMENT PAGE (CASHIER)

Home › Online Payments › Payment Page (Cashier)

The ***Payment Page*** solution is the quickest way to seamlessly integrate Nuvei's market-leading features, using an IFrame or a full page redirect.

This online solution allows you to:

- Sell products and services over the web and increases conversion rates. This is achieved by uniquely identifying each customer to maximize their user experience.
- Process online customer deposits and withdrawals through our Cashier Deposit and Withdrawal pages. To enhance each customer's user experience, these pages are presented in their preferred language, currency, and displays their previous payment methods.
- Customize aspects of the UI on a per-request basis, for web and mobile pages, providing an easy-to-use interface for depositing and withdrawing funds.
- Use the Nuvei Gateway to **securely process** cards and a wide range of APMs and local deposit payment methods.

29. Defendants provide, by the one or more secure servers to a merchant server providing a webpage to a payer computing system used by the payer, an application programming interface (API). This is shown by, *e.g.*, the following excerpts from Defendants' documentation

and marketing materials for their "Payment Page" and API Reference Guide:[10]

Overview

Payment Page is the quickest way to integrate with Nuvei and enjoy the benefits of this feature-rich payment solution.

Simply loading ***Payment Page*** via an IFrame or a full page redirect is all it takes to seamlessly integrate ***Payment Page's*** features and functionality into your site.

To use the ***Payment Page*** solution, create an HTTPS request with all the relevant transaction input encoded as a query string, and use it to redirect your customer to our page (or IFrame).

Follow the steps below to integrate and use ***Payment Page***.

[10] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://docs.nuvei.com/api/main/indexMain_v1_0.html?java#Introduction (last visited April 4, 2024).

Welcome to the Nuvei API Reference Guide.

If this is your first time visiting, we recommend you also visit our documentation portal.

Nuvei's API is simple, easy-to-use, secure, and stateless, which enables online merchants and service providers to process consumer payments through Nuvei's digital payment Gateway.

Using this API reduces the PCI burden from the merchant side. A merchant is only required to submit a SAQ A-EP form and perform periodical scans by Approved Scanning Vendors (ASV).

30. Defendants' API provides financial account registration and token retrieval functions that can be executed to process the payment transaction, and it provides access to the financial account registration and token retrieval functions to the merchant server. This is shown by, *e.g.*, the following excerpts from Defendants' documentation providing an overview of the "Payment Page" and documentation on the "Output Parameters" section of Defendants' "Payment Page":[11]

[11] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/output-parameters/ (last visited April 4, 2024).

Overview

Payment Page is the quickest way to integrate with Nuvei and enjoy the benefits of this feature-rich payment solution.

Simply loading ***Payment Page*** via an IFrame or a full page redirect is all it takes to seamlessly integrate ***Payment Page's*** features and functionality into your site.

To use the ***Payment Page*** solution, create an HTTPS request with all the relevant transaction input encoded as a query string, and use it to redirect your customer to our page (or IFrame).

Follow the steps below to integrate and use ***Payment Page***.

4. Handle the Response

After Nuvei attempts to process the payment, your customer is redirected to a relevant *Transaction Outcome* page on your site, depending on the results:

Field	Description
Success	When Nuvei processes the transaction successfully, your customer is redirected to your pre-defined ***Success page***.
Pending	Nuvei redirects your customer to your pre-defined ***Pending page*** until a response is received.
Back	When the customer presses **Back** on the payment page, Nuvei redirects them to your pre-defined ***Back page***.
DMN	The URL of your DMN listener. For more information, see Webhooks (DMNs).

Nuvei also sends you a response via an HTTPS GET, which contains transaction details such as the outcome and customer payment details.

token	The token of the credit card that was returned by Nuvei. This value represents the customer's credit card number stored on Nuvei's database.

31. Defendants' API receives, from the merchant server via the API, at least one data element associated with the payer and a payment amount from the payer to the payee. This is shown by, *e.g.*, the "total_amount," "user_token_id," "merchant_id," "merchant_site_id" etc. parameters of the "Input Parameter" section of Defendants' documentation for their "Payment Page":[12]

discount	Double	64 bits	No	Additional discount amount, regardless of any discount(s) for the transaction.
shipping	Double	64 bits	No	Total shipping costs.
handling	Double	64 bits	No	Total handling costs.
total_amount	Double	64 bits	Yes	Total transaction charge.
total_tax	Double	64 bits	No	The VAT percentage to be applied to the transaction.
shipping_tax	Double	64 bits	No	The tax rate (percentage) of the cart's shipping fee. Values: **1–101**

[12] https://docs.nuvei.com/documentation/accept-payment/payment-page/input-parameters/ (last visited April 4, 2024).

Parameter	Type	Size	Mandatory	Description
merchant_id	Integer	64bits	All	The merchant's ID provided by Nuvei.
merchant_site_id	Integer	64bits	All	The merchant website's ID provided by Nuvei.
checksum	String	Char(102400)	All	A hashing of the request to secure and authenticate the request.
time_stamp	String	Char(19)	All	Current GMT time in the following format: YYY-MM-DD.HH:MM:SS.
currency	String	Char(3)	All	The currency used in the transaction.
user_token_id	String	Char (255)	Yes	ID for the user, based on which we manage the user's payment methods.

32. Defendants' API authenticates the payee. This is shown by, *e.g.*, the "Prepare the Authentication Request" section of Defendants' documentation providing an overview of their "Payment Page":[13]

[13] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).

2. Prepare the Authentication Request

Include a SHA-256 encrypted `checksum` in your HTTPS request to help Nuvei authenticate the request and avoid communication errors.

Follow these steps to create the `checksum`:

1. Create a string of the **values** of all the input parameters (without spaces) in the exact order that they are sent in the request, as follows:
   a. Copy the ***transaction input parameters string*** and delete everything except the **values** of all the input parameters (without spaces).
   b. Concatenate the ***value*** of your ***secret key*** to the front of the string.
   For example, assuming a ***secret key*** value of: Secret123

```
Secret1232834758912375515USDtest@test.comitem11512011-01-05.06:04:264.0.0https://
notify.merchant.com
```

2. Generate an encrypted ***checksum*** (based on the example string above) by running the string through a SHA-256 encryption function:

```
027402ea5d3e62179bfd82ec70eae2ad16efe7802880d452214d685169ce9300
```

3. Use the encrypted ***checksum*** value the `checksum` parameter in the request:

```
checksum=fedf7e2f70006c83fa740bfa121cdcac0932a672fc7e12a55621153cb52cddf9
```

33. Defendants' API executes the financial account registration function, upon initiation by the merchant server, by:

a. (i) Generating a uniform resource locator (URL), for establishing a secure socket layer connection via the internet between the secure server and the payer computing system, the URL comprising either: a dynamic URL generated by the secure server for the payer and the payee; or a static URL and a hypertext transport protocol (HTTP) parameter used by the secure server to identify the payer and the payee. This is shown by, *e.g.*, the "Example of Transaction Input Encoded as a Query String" described in Defendants' documentation providing an overview of their

"Payment Page":[14]

3. Submit a Request to the Payment Page

Send an HTTPS request to the Payment Page either in the GET name/value pair format or as a POST.

Create an ***HTTPS query string*** by concatenating the ***endpoint URL*** of your payment page and the ***transaction input parameters string***:

- Select the relevant Endpoint URL:
  - **Live**: https://secure.safecharge.com/ppp/**purchase**.do
  - **Test**: https://ppp-test.safecharge.com/ppp/**purchase**.do
- Use the ***transaction input parameters string*** that you created in the previous steps.

Example of Transaction Input Encoded as a Query String

https://ppp-test.safecharge.com/ppp/purchase.do?currency=EUR&item_name_1=Test%20Product&item_number_1=1&item_quantity_1=1&item_amount_1=50.00&numberofitems=1&encoding=utf-8&merchant_id=640817950595693192&merchant_site_id=148133&time_stamp=2018-05-15.02%3A35%3A21&version=4.0.0&user_token_id=ran100418_scobd%40mailinator.com&user_token=auto&total_amount=50.00&notify_url=https%3A%2F%2Fsandbox.nuvei.com%2Flib%2Fdemo_process_request%2Fresponse.php&theme_id=178113&checksum=3f907ff30d33239880c853ad5bdf0a0aaf3a351de7220d6e2379f8804b58097f

b. (ii) Establishing the secure socket layer connection, in response to an HTTP request received from the merchant server for the generated URL, between the secure server and the payer computing system within a window or frame that is displayed within the webpage provided by the merchant server. This is shown by, *e.g.*, Defendants' description of "creat[ing] an HTTPS request with all the relevant transaction input . . . and use it to redirect your customer to our page (or **IFrame**)"

[14] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).

from the following excerpt from Defendants' documentation providing an overview of the "Payment Page":[15]

Overview

Payment Page is the quickest way to integrate with Nuvei and enjoy the benefits of this feature-rich payment solution.

Simply loading ***Payment Page*** via an IFrame or a full page redirect is all it takes to seamlessly integrate ***Payment Page's*** features and functionality into your site.

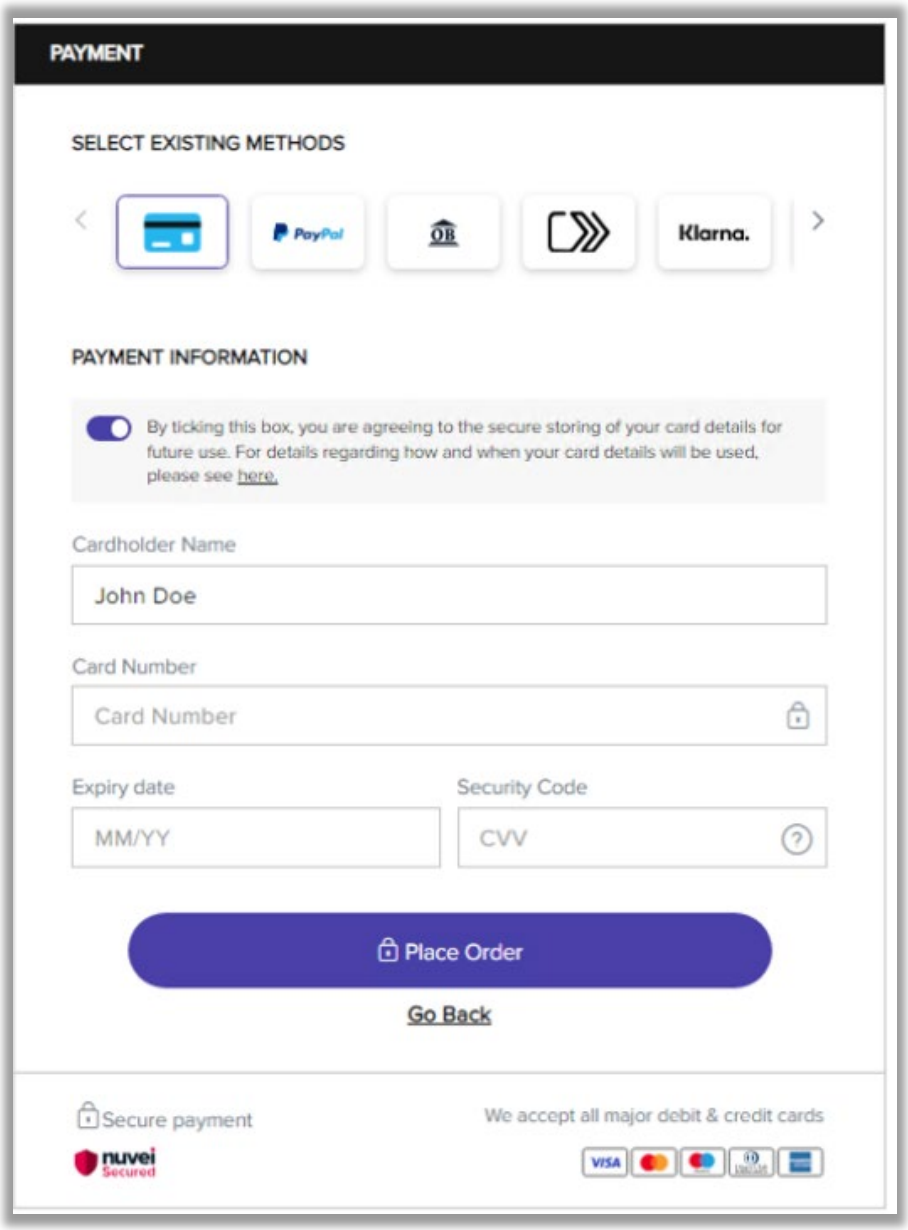
To use the ***Payment Page*** solution, create an HTTPS request with all the relevant transaction input encoded as a query string, and use it to redirect your customer to our page (or IFrame).

Follow the steps below to integrate and use ***Payment Page***.

c. (iii) Outputting instructions to the payer computing system, in response to the HTTP request for the generated URL, to render a financial account registration request form, within the window or frame that is displayed within the webpage provided by the merchant server, that provides functionality for the payer to provide sensitive financial account information associated with a financial account. This is shown by, *e.g.*, the E-commerce demo page on the "Payment Page Demo Sites" section of Defendants' documentation for their "Payment Page":[16]

[15] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).

[16] https://docs.nuvei.com/documentation/accept-payment/payment-page/cashier-demo-sites/ (last visited April 4, 2024).



d. (iv) And outputting instructions to the payer computing system, in response to the HTTP request for the generated URL, to encrypt the sensitive financial account information provided by the payer and transmit the encrypted financial account information to the secure server via the secure socket layer connection. This is shown by, *e.g.*, the fact that Defendants' products use "HTTPS" URLs and by Defendants' marketing material regarding their "PCI DSS compliance," which

requires transmissions of data to be encrypted:[17]

3. Submit a Request to the Payment Page

Send an HTTPS request to the Payment Page either in the GET name/value pair format or as a POST.

Create an ***HTTPS query string*** by concatenating the ***endpoint URL*** of your payment page and the ***transaction input parameters string***:

- Select the relevant Endpoint URL:
  - **Live**: https://secure.safecharge.com/ppp/**purchase**.do
  - **Test**: https://ppp-test.safecharge.com/ppp/**purchase**.do
- Use the ***transaction input parameters string*** that you created in the previous steps.

Example of Transaction Input Encoded as a Query String

https://ppp-test.safecharge.com/ppp/purchase.do?currency=EUR&item_name_1=Test%20Product&item_number_1=1&item_quantity_1=1&item_amount_1=50.00&numberofitems=1&encoding=utf-8&merchant_id=6408179505956931 92&merchant_site_id=148133&time_stamp=2018-05-15.02%3A35%3A21&version=4.0.0&user_token_id=ran100418_scobd%40mailinator.com&user_token=auto&total_amount=50.00&notify_url=https%3A%2F%2Fsandbox.nuvei.com%2Flib%2Fdemo_process_request%2Fresponse.php&theme_id=178113&checksum=3f907ff30d33239880c853ad5bdf0a0aaf3a351de7220d6e2379f8804b58097f

[17] https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024); https://nuvei.com/compliance-security/ (last visited April 4, 2024).

WHAT IS PCI COMPLIANCE?

The Payment Card Industry (PCI), which includes Visa, MasterCard, American Express and other leading card brands, requires service providers, banks and high-volume merchants to follow strict security guidelines, including:

- Building and maintaining a secure network
- Protecting cardholder data
- Maintaining a vulnerability management program
- Implementing strong access control measures
- Regularly monitoring and testing networks
- Maintaining an information security policy

In accordance with these guidelines and with a third-party security assessment, Nuvei has been issued a certificate of PCI Compliance toward the requirements of the Payment Card Industry (PCI) Data Security Standards (DSS) validation methods.

34. Defendants receive the sensitive financial account information provided by the payer via the secure socket layer connection. This is indicated by, *e.g.*, the following excerpts from the "Output Parameters" section of Defendants' documentation for their "Payment Page":[18]

Overview

When Nuvei redirects your customers to a *Success*, *Pending*, or *Error* page, the URL of the page includes output parameters. These contain customer, transaction, and payment data, similar to Direct Merchant Notifications (DMNs).

The tables below provide a list of the parameters sent by Nuvei back to the customer's browser, upon completing the payment process.

[18] https://docs.nuvei.com/documentation/accept-payment/payment-page/output-parameters/ (last visited April 4, 2024).

Payment Parameters

Parameter	Description
nameOnCard	The name on the credit card.
first_name*	The customer's first name.
last_name*	The customer's last name.
address1*	The address of the customer.
city*	The city of the customer.
country*	The country of the customer.
email*	The email address of the customer.
zip*	The ZIP code of the customer when available.
phone1*	The phone number of the customer.
currency	The currency used in the transaction.

35. Defendants store the sensitive financial account information in a secure storage location and performs each software process required to maintain compliance with one or more information security standards. This is shown by, *e.g.*, the following excerpt from the "Output Parameters" section of Defendants' documentation for their "Payment Page" and Defendants' marketing material regarding their "PCI DSS compliance,":[19]

[19] https://docs.nuvei.com/documentation/accept-payment/payment-page/output-parameters/ (last visited April 4, 2024); https://nuvei.com/compliance-security/ (last visited April 4, 2024).

token	The token of the credit card that was returned by Nuvei. This value represents the customer's credit card number stored on Nuvei's database.

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- Implementing strong access control measures
- Regularly monitoring and testing networks
- Maintaining an information security policy

In accordance with these guidelines and with a third-party security assessment, Nuvei has been issued a certificate of PCI Compliance toward the requirements of the Payment Card Industry (PCI) Data Security Standards (DSS) validation methods.

36. Defendants execute a token retrieval function, upon initiation by the merchant server via the API, by: providing a non-sensitive electronic data token representing the sensitive financial account information to the merchant server without providing the sensitive financial account information to the merchant server and without providing the non-sensitive electronic data token to the payer; and processing the payment transaction using the sensitive financial account information by generating and transmitting an electronic request requesting the payment amount from the financial account, obtaining the payment amount, and forwarding at least a portion of the

payment amount to the payee. For example, the "token" described in the excerpt above (which is further described in Defendants' documentation as an "Output Parameter[]") and "Nuvei's tokenization technology" described in Nuvei's PCI compliance marketing materials show "a non-sensitive electronic data token." Moreover, the "Handle the Response" excerpt in Defendants' documentation providing an overview of their "Payment Page" shows that they process a payment:[20]

TOKENIZATION

Tokenization is a data security method that replaces credit card information with a token – a random value that retains the card's essential information without compromising security. Nuvei's tokenization technology allows access to billing data without needing to store credit card information. This is especially helpful for recurring or subscription billing purposes.

Each token is linked to a single customer profile and can be used to complete a purchase transaction. Merchants can safely process transactions while reducing the risk of having sensitive data fall into the wrong hands. The extra security allows businesses to also save time and money versus integrating with third party solutions.

[20] https://nuvei.com/compliance-security/ (last visited April 4, 2024); https://docs.nuvei.com/documentation/accept-payment/payment-page/quick-start-for-payment-page/ (last visited April 4, 2024).

4. Handle the Response

After Nuvei attempts to process the payment, your customer is redirected to a relevant *Transaction Outcome* page on your site, depending on the results:

Field	Description
Success	When Nuvei processes the transaction successfully, your customer is redirected to your pre-defined ***Success page***.
Pending	Nuvei redirects your customer to your pre-defined ***Pending page*** until a response is received.
Back	When the customer presses **Back** on the payment page, Nuvei redirects them to your pre-defined ***Back page***.
DMN	The URL of your DMN listener. For more information, see Webhooks (DMNs).

Nuvei also sends you a response via an HTTPS GET, which contains transaction details such as the outcome and customer payment details.

37. Defendants had actual knowledge of the Asserted Patent and the infringement of the same no later than the date of this Complaint.

38. Defendants have and continue to indirectly infringe one or more claims of the Asserted Patent by inducing and/or contributing to direct infringement of the Asserted Patent by customers, importers, sellers, resellers, and users of the Infringing Methods. The direct infringers

include, for example, at least the following: New Balance,[21] Shein,[22] DraftKings,[23] FanDuel,[24] BetMGM,[25] Hays Utility North Corporation,[26] and Sabre Corporation.[27]

39. Defendants have and continue to induce others to directly infringe, either literally or under the doctrine of equivalents, by, among other things, making, using, offering to sell, selling and/or importing into the United States, without authority, products or services that practice one or more claims of the Asserted Patent.

40. Defendants induced the infringement by others with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others infringe the Asserted Patent, but while at best, remaining willfully blind to the infringement.

41. As discussed in Paragraphs 22–36, above, Defendants advertise the Infringing Methods, publish specifications and promotional literature encouraging customers to implement and incorporate the Infringing Methods into end user products, create and/or distribute user manuals for the Infringing Methods that provide instructions and/or encourage infringing use, and offer support and/or technical assistance to their customers that provide instructions on and/or encourage infringing use.

42. Defendants encourage and facilitate their customers to infringe the Asserted Patent by promoting the Infringing Methods, for example, providing documentation and stating in their documentation for the Nuvei API Reference Guide that "Nuvei's API is simple, easy-to-use, and

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[21] https://finovate.com/nuvei-acquired-by-private-equity-firm/ (last visited April 29, 2024).
[22] *Id.*
[23] https://nuvei.com/company/nuvei-approved-to-process-payments-for-online-sportsbook-operators-in-new-york/ (last visited April 29, 2024).
[24] *Id.*
[25] *Id.*
[26] https://issuu.com/nuveitech/docs/nuvei_hays_case_study (last visited April 29, 2024).
[27] https://nuvei.com/company/press-releases/nuvei-integrates-with-sabre-to-offer-market-leading-payments-for-the-travel-and-hospitality-industries/ (last visited April 29, 2024).

stateless, which enables online merchants and service providers to process consumer payments through Nuvei's digital payment Gateway . . . This API Reference Guide describes the API's services and functionality, and is intended for developers by providing all necessary integration information, including the necessary requests and responses."[28]

43. Defendants' customers that incorporate the Infringing Methods into other products and services (*e.g.*, New Balance, Hays Utility North Corporation, and Sabre Corporation,) each directly infringe the Asserted Patent pursuant to Defendants' instructions and advertisements.

44. Additionally, Defendants have and continue to contribute to the direct infringement of others, either literally or under the doctrine of equivalents, by, among other things, offering to sell or selling within the United States, components of a patented device or an apparatus for use in practicing the claimed method, constituting a material part of the invention.

45. As discussed in Paragraphs 22–36, above, Defendants provide APIs and example code for the Infringing Methods that constitute a component of a patented device or an apparatus for use in practicing the claimed method.

46. Defendants do this knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

47. Defendants' customers that incorporate the APIs and example code into other products and services (*e.g.*, Hays Utility North Corporation, Sabre Corporation, and the unnamed North Texas city municipal court) each directly infringe the Asserted Patent.

V. JURY DEMAND

48. Autoscribe hereby demands a trial by jury on all issues so triable.

[28] https://docs.nuvei.com/api/main/indexMain_v1_0.html?json#WebSDKOverview (last visited April 15, 2024).

VI. PRAYER FOR RELIEF

WHEREFORE, Autoscribe requests entry of judgment in its favor and against Defendants as follows:

a) A declaration that Defendants have directly infringed one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents;

b) A declaration that Defendants have induced and/or contributed to infringement and/or are inducing and/or contributing to infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents;

c) An award of damages pursuant to 35 U.S.C. § 284 adequate to compensate Autoscribe for Defendants' infringement of the Asserted Patent in an amount according to proof at trial (together with prejudgment and post-judgment interest), but no less than a reasonable royalty;

d) An award of costs and expenses pursuant to 35 U.S.C. § 284 or as otherwise permitted by law; and

e) Such other and further relief, whether legal, equitable, or otherwise, to which Autoscribe may be entitled or which this Court may order.

Dated: May 3, 2024

Respectfully submitted,

/s/ Jason McManis

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