

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

BROWSERKEY, LLC,	§	
	§	Case No.
	§	
Plaintiff,	§	<b><u>JURY TRIAL DEMANDED</u></b>
	§	
v.	§	
	§	
THE CHARLES SCHWAB	§	
CORPORATION AND CHARLES	§	
SCHWAB & CO., INC.,	§	
	§	
Defendants.	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff BrowserKey, LLC (“BrowserKey” or “Plaintiff”) for its Complaint against The Charles Schwab Corporation and Charles Schwab & Co., Inc. (collectively, “Schwab” or “Defendants”) alleges as follows:

**THE PARTIES**

1. BrowserKey is incorporated under the laws of the State of Texas, with a place of business located at 101 East Park Boulevard, Suite 600, Plano, Texas 75074.
2. Upon information and belief, Defendant The Charles Schwab Corporation is a Delaware corporation, with its principal place of business located in this District at 3000 Schwab Way, Westlake, Texas 76262, and with additional regular and established places of business in this District at least at 3310 Dallas Parkway, Suite 111, Plano, TX 75093, 6765 Winning Drive, Suite 825, Frisco, TX 75034, 2775 South Central Expressway, Suite 140, McKinney, TX 75070, and 3110 I-30 Frontage Road Suite 104, Greenville, TX 75402. Schwab may be served with process through its registered agent, CT Corporation System, located at 1999 Bryan Street, Suite.. 900, Dallas, Texas 75201.

3. Upon information and belief, Defendant Charles Schwab & Co, Inc. is a California Corporation, with its principal place of business located in this District at 3000 Schwab Way, Westlake, Texas 76262, and with additional regular and established places of business in this District at least at 3310 Dallas Parkway, Suite 111, Plano, TX 75093, 6765 Winning Drive, Suite 825, Frisco, TX 75034, 2775 South Central Expressway Suit 140, McKinney, TX 75070, and 3110 I-30 Frontage Road, Suite 104, Greenville, TX 75402. Schwab may be served with process through its registered agent, CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

### **JURISDICTION AND VENUE**

4. 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 subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

5. This Court has specific and personal jurisdiction over Defendants consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, Defendants have sufficient minimum contacts with the forum because Defendants have physical locations and transact substantial business in the State of Texas and in this Judicial District. Further, Defendants have, directly or through subsidiaries or intermediaries, committed acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Defendants are registered to do business in Texas and, upon information and belief, Defendants have transacted business in this Judicial District, have committed acts of direct and indirect infringement in this Judicial District, and have regular and established places of business in this

Judicial District as set forth above. Defendants are subject to personal jurisdiction in this Judicial District and have committed acts of patent infringement in this Judicial District. On information and belief, Defendants through their own acts and/or through the acts of others, make, use, sell, offer to sell, and/or import infringing products within this Judicial District, regularly do and solicit business in this Judicial District, and have the requisite minimum contacts with the Judicial District, such that this venue is a fair and reasonable one. Further, upon information and belief, Defendants have admitted or not contested proper venue in this Judicial District in other patent infringement actions.

**U.S. PATENT NO. 7,249,262**

7. On July 24, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,249,262 (the “’262 Patent”) entitled “Method For Restricting Access To A Web Site By Remote Users.” A true and correct copy of the ’262 Patent is attached hereto as Exhibit A.

8. BrowserKey is the sole and exclusive owner of all right, title, and interest to and in the ’262 Patent, and holds the exclusive right to take all actions necessary to enforce its rights to the ’262 Patent, including the filing of this patent infringement lawsuit. BrowserKey also has the right to recover all damages for infringement of the ’262 Patent as appropriate under the law.

**INFRINGEMENT ALLEGATIONS**

9. The ’262 Patent generally covers a method of restricting access to data maintained on a server computer by one or more authorized, networked client machines. The technology was developed by Leon E. Hauck and Brent J. Burval. This technique is incorporated into web and mobile applications made by numerous banking institutions, including Schwab.

10. Schwab has manufactured, used, marketed, distributed, sold, offered for sale, exported from, and imported into the United States, products that infringe the '262 Patent. These Accused Products include at least all versions and variants of the Schwab Web and Mobile Applications (*e.g.*, Schwab Mobile, thinkorswim, Schwab Workplace Retirement, and Schwab Advisor Center Mobile) since 2018.

11. BrowserKey has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the '262 Patent.

**COUNT I**  
**(Infringement of the '262 Patent)**

12. Paragraphs 1 through 11 are incorporated by reference as if fully set forth herein.

13. BrowserKey has not licensed or otherwise authorized Schwab to make, use, offer for sale, sell, or import any products that embody the inventions of the '262 Patent.

14. Schwab directly infringes the '262 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '262 Patent. These products include at least all versions and variants of the Schwab Web and Mobile Applications.

15. For example, Schwab directly infringes at least claim 11 of the '262 Patent by making, using, offering to sell, selling, and/or importing into the United States products that practice a method of restricting access to data maintained on a server computer by an authorized client machine, said method comprising the steps of: a. creating a session identifier in a computer remote from the client machine for a current browsing session of the client machine; b. transmitting to the client machine the session identifier created in step a.; c. storing the session identifier transmitted in step b. within the client machine; d. verifying, on the client machine, that

the client machine is authorized to access data maintained on the server computer; e. obtaining the session identifier stored in step c., and storing such session identifier within a storage table remote from the client machine if such client machine was verified in step d.; f. transmitting a request by the client machine for access to data maintained on the server computer, such request including the session identifier stored in step c.; g. comparing the session identifier transmitted in step f. with the session identifier stored in the storage table during step e. to determine whether the request for access transmitted in step f. is authorized; and h. permitting access by the client machine to the requested data maintained on the server computer if the comparison made in step g. shows that the request for access is authorized, and denying access by the client machine to the requested data maintained on the server computer if the comparison made in step g. shows that the request for access is not authorized.

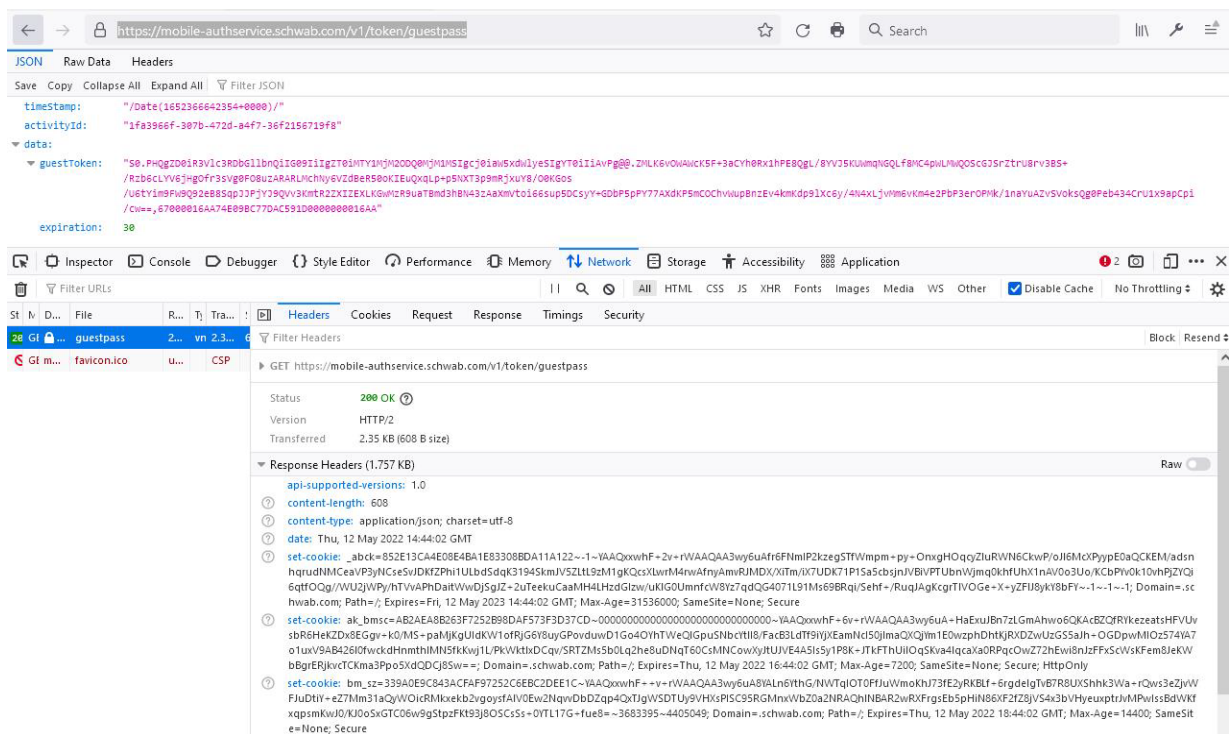
16. The Accused Products practice a method of restricting access to data maintained on a server computer by an authorized client machine. For example, upon information and belief, on client machines running the Schwab Mobile Application variant for Apple iOS, one method by which an operator may sign in to access Schwab “protected URLs,” as a Schwab account holder, is via Apple’s Touch and Face ID (locally compared “biometrics”).

17. The Accused Products further practice a method creating a session identifier in a computer remote from the client machine for a current browsing session of the client machine. For example, upon information and belief, Schwab server computer(s) create one or more session identifiers, remote from the client machine, when a new user agent session on the client machine initially requests, via the HTTP protocol, a Schwab “protected URL.”

18. Further, upon information and belief, when first launching the Schwab Mobile Application, a user agent requests the following Schwab URLs, including:

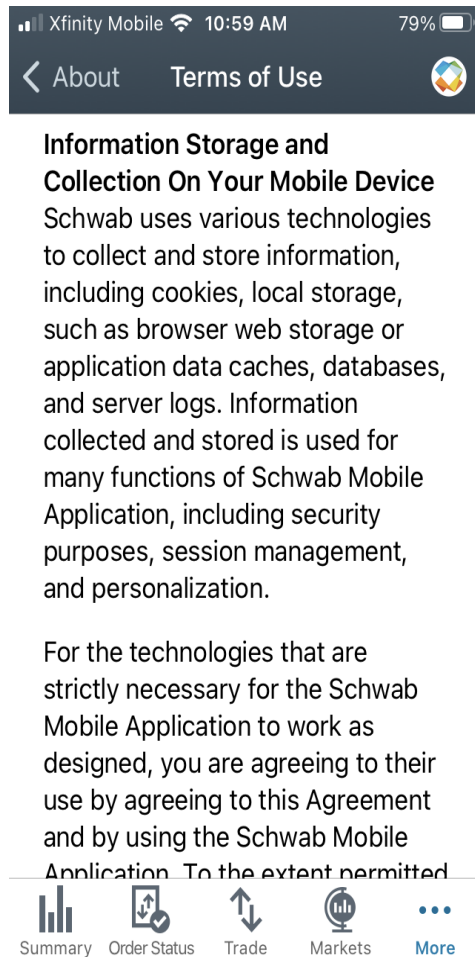
- <https://sws-gateway.schwab.com/ui/config/sdk/CustomerMobileV3>
- <https://mobile-authservice.schwab.com/v1/token/guestpass>
- [https://m.schwab.com/...](https://m.schwab.com/)
- [https://jfkgateway.schwab.com/...](https://jfkgateway.schwab.com/)
- [https://ausgateway.schwab.com/...](https://ausgateway.schwab.com/)

In response to the request, one or more name-value pair(s) are created by the Schwab server(s), for example:

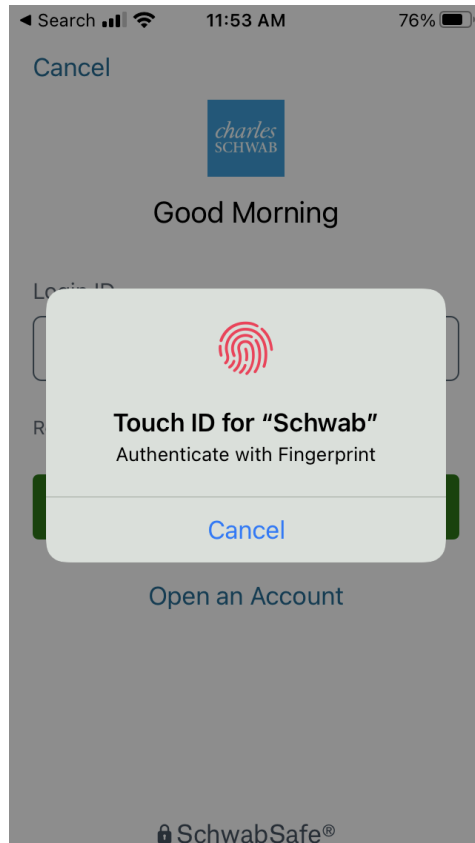


19. The Accused Products further practice a method of transmitting to the client machine the session identifier created in step a. Upon information and belief, Schwab transmits the session identifier(s) to the client machine via the Internet. Session identifier(s) are transmitted by the Schwab HTTP server computer(s) to the client machine via one or more HTTP response headers and/or HTTP response bodies.

20. The Accused Products further practice a method of storing the session identifier transmitted in step b. within the client machine. Upon information and belief, per instructions from Schwab servers and/or Schwab computer code, the web browser stores the session identifiers(s) on the client machine.

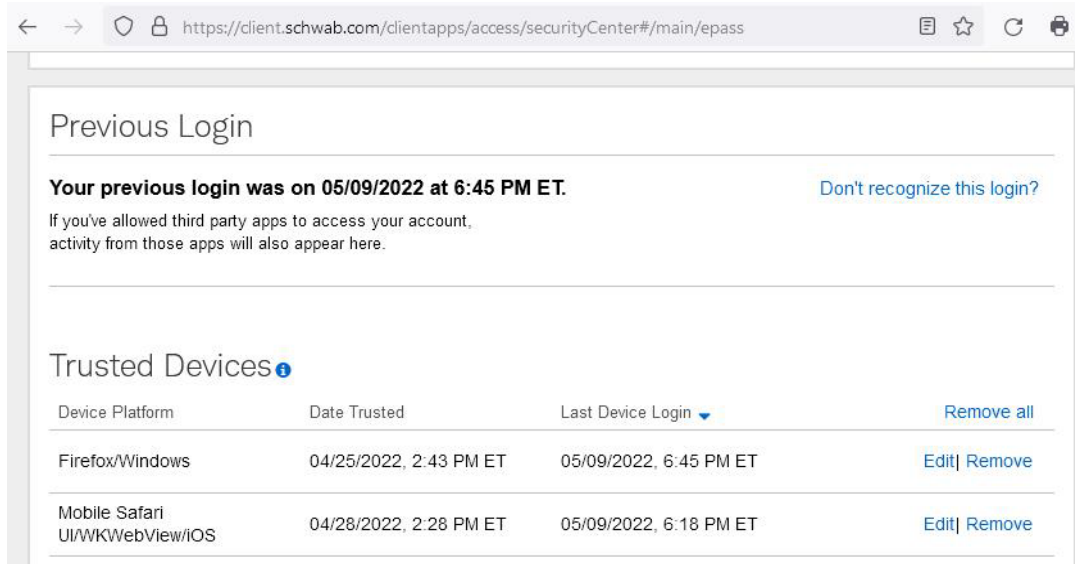


21. The Accused Products further practice a method of verifying, on the client machine, that the client machine is authorized to access data maintained on the server computer. Upon information and belief, when the client machine supports Apple Touch / Face ID, and the Schwab Mobile Application has been provisioned to sign in to Schwab online services via Touch / Face ID, Schwab computer code automatically prompts the operator to sign in via Touch / Face ID immediately after the application is launched.



22. The Accused Products further practice a method of obtaining the session identifier stored in step c., and storing such session identifier within a storage table remote from the client machine if such client machine was verified in step d. For example, Schwab lists *Trusted Devices* in the Schwab Web Application, including iOS devices. Upon information and belief, the Schwab Web Application is an extension or related to a remote Schwab storage table storing session identifier(s).





23. The Accused Products further practice a method of transmitting a request by the client machine for access to data maintained on the server computer, such request including the session identifier stored in step c. Upon information and belief, per instructions from Schwab servers and/or Schwab computer code, upon successful sign in, the user agent is automatically redirected to the default Schwab Mobile Application page (a Schwab “Protected URL”) which invokes one or more HTTP requests. The HTTP request(s) are transmitted by the client machine and such request(s) include session identifier(s) to overcome limitations of the stateless HTTP protocol.

Xfinity Mobile 12:12 PM 74%

home Request Header

GET /retail/api/session/retail/app/home? HTTP/1.1
Host: m.schwab.com
Schwab-Env: PROD
Accept: application/json
Schwab-Region:
Accept-Language: en-US
Accept-Encoding: gzip, deflate
x-api-version: 12.4.0
Schwab-Client-AppId: AD00002484
Schwab-Client-Channel: MO
User-Agent: SchwabMobile/12.4.0.28 (iOS 15.2.1; iPhone12,8; en-US)
Schwab-Clientapp-Name: Retail-Mobile
Connection: keep-alive
Content-Type: application/json; charset=utf-8
Cookie: GZIP=1; mid=guid:2ec904ca-51da-4535-bcf0-2c42931a170a; mp=12; ms=qial3h04myu2lm3onz4bawyn; \_abck=D5A4A393C307BAA77997134E0C85832A--1-YAAQxwhwF3UOhp2AAQAA7fQJtAfP8OkwT5yKT10/T2q7+aaFe7kd56MX141N6kv

Xfinity Mobile 12:13 PM 74%

home Request Header

QkwT5yKT10/T2g7+aaFe7kd56MX141N6kybk/8K7bXijU1b520CNvxn/wjT82Kehlw1ERoYotZnmj4pCxAOnDNw0uU8tmkEHT14404e4k1GGYK0fNw5Y7UCisftcThsgqWlMzDFS LKLD8cBoz4gbxmRzrMDKBUDh5aipDVoNpHQ0lyLmiqpb7hUIzxAcPsmAffbEXmgD7eMQzdyL20o3gzEBKg7akxj7oIj3CDSrG0/Yyceb60c6iPFQCNgadqPydC8fWoWhB0TgNM18lIftLDvh2jDlSL04+hrjIbTItkumWc1kPP0jVAYxOqy//qbyFktC+lbWpYu9nzmap5m5T3Y--1--1--1; ak\_bmsc=0028CB61053C7CD9F77136A7D6C9F16F-000000000000000000000000-YAAQxwhwF3YOhp2AAQAA7fQJtA+0AgaTtpFSRxBif87vOJH4XJz1vOMpoaDdPrZEIYcvG2GjE5xrzgebhbsgz5YNnT/33JfLREgo1k+1Ms9GmbTiiD3+o4HvqdWfIHNoJtkeczRM5wFHxJqkNq0J1FS3EyVvQBOL1RBPxSSKjw5ZPVRAIgjWskVu4cvpfZ6gavtJVAJV64TJKCXv8j/X2oedW9p9yM7eMpTGmO9y932TldNwI5T6jpHw8/ZC/640HEhcBzzkRYZ3/J5Q/XSWu9wH1b46JJLqdMZ9FsJ9+youtFTBz1ZUbUDAmn2Ts2IiC1tMp/gdlWKgf9y83IcErrRwWkEzBE E2djT+KyH15e5jv6FhLuKQeJY8Mm0w5+us

The screenshot shows a mobile interface with a status bar at the top displaying 'Xfinity Mobile', signal strength, Wi-Fi, time '12:13 PM', and battery '74%'. Below the status bar is a navigation bar with a back arrow, the text 'home Request Header', and a share icon. The main content area displays a long, single-line alphanumeric string consisting of lowercase letters, numbers, and hyphens.

```
s2iC1tMp/gdlWKgf9y83IcErrRwWkEzBE
E2djT+KyH15e5jv6FhLuKQeJY8Mm0w5+us
ydCcN14RgaKjI=; bm_sz=84D5FC296AFE
067BA8DF851E821310A8-YAAQxhwhF3cOh
p2AAQAA7fQJtA9JJ1RSSu9gToqcL22f3Vu
NEAW26zixOmAmYMe6+woILXUrbIIm29T34
Ks0PekTkKpXu23wk2NgghBUjirHbhnC11
M/I3SEO+FK5bWoDb90mutdfnF+yLTe6Jf5
Lmj84Rd3TjYogszvXK+9iWDLIBoVqTeFxF
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nC5lwo7lyVhIb8mgscez2qqQVCWK8PiL/l
mw6y5fc+SaNje2O+L4=-3748661-368723
6; bm_sv=C1F289766416F83A65447E6A8
DD10430-YAAQxxwhF+Mc/a+AAQAIOoJtA
/SnWqpv9lx43xOULUPCF+lzpR0lr2Kzxxv
J287s3aZRF5QYEdMu7tH1BL02KZPe/BuIz
VgJkrDJfpOrDE7xPaGCQZ99A93uhjTN4u0
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/vtbxazxtQuGX1KGL+QxTh8vbpFeU1bZgc
LwEkA3PPfaaa3R8ItMjP9AyN14-1
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24. The Accused Products further practice a method of comparing the session identifier transmitted in step f. with the session identifier stored in the storage table during step e. to determine whether the request for access transmitted in step f. is authorized. Upon information and belief, Schwab compares session identifier(s) remotely. For example, upon information and belief, when session cookies (which store session identifiers(s)) are deleted from the client machine, the client machine is no longer logged in and no longer able to access Schwab “Protected URLs.”

25. The Accused Products further practice a method of permitting access by the client machine to the requested data maintained on the server computer if the comparison made in step g. shows that the request for access is authorized, and denying access by the client machine to the requested data maintained on the server computer if the comparison made in step g. shows that the request for access is not authorized. Upon information and belief, if the client machine is signed

in, access to data maintained on Schwab servers(s) is authorized by Schwab. If the client machine is not signed in, access to data maintained on Schwab servers(s) is denied by Schwab.

26. Schwab indirectly infringes one or more claims of the '262 Patent by knowingly and intentionally inducing others, including Schwab customers and end-users of the Accused Products and products that include the Accused Products, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology, such as the Schwab Web and Mobile Applications.

27. Schwab has indirectly infringed one or more claims of the '262 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Schwab's customers and end-users, in this District and elsewhere in the United States. For example, Schwab's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '262 Patent. Schwab induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Schwab's inducement, Schwab's customers and end-users use the Accused Products in a way Schwab intends and directly infringe the '262 Patent. Schwab performs these affirmative acts with knowledge of the '262 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '262 Patent.

28. Schwab has indirectly infringed one or more claims of the '262 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and

end-users, in this District and elsewhere in the United States. Schwab's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold and offered for sale contributes to others' use and manufacture of the Accused Products, such that the '262 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '262 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Schwab to be especially made or adapted for use in the infringement of the '262 Patent. Schwab performs these affirmative acts with knowledge of the '262 Patent and with intent, or willful blindness, that they cause the direct infringement of the '262 Patent.

29. BrowserKey has suffered damages as a result of Defendants' direct and indirect infringement of the '262 Patent in an amount to be proved at trial.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, BrowserKey prays for relief against Schwab as follows:

- a. Entry of judgment declaring that Schwab directly and/or indirectly infringed one or more claims of the '262 Patent;
- b. Entry of judgment declaring that Schwab's infringement of the '262 Patent is willful;
- c. An order awarding damages sufficient to compensate BrowserKey for Defendants' infringement of the '262 Patent, but in no event less than a reasonable royalty, together with pre-judgment and post-judgment interest and costs;

- d. Entry of judgment declaring that this case is exceptional and awarding BrowserKey its costs and reasonable attorneys' fees under 35 U.S.C. § 285;
- e. An accounting for acts of infringement;
- f. Such other equitable relief which may be requested and to which the Plaintiff is entitled; and
- g. Such other and further relief as the Court deems just and proper.

Dated: October 2, 2024

Respectfully submitted,

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