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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 KIOBA PROCESSING LLC,
20 *Plaintiff,*

21 v.

22 BMO BANK N.A.,
23 *Defendant.*

Case No. 2:24-cv-10740

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

24 Plaintiff Kioba Processing LLC files this Complaint against Defendant BMO
25 Bank N.A. for infringement of United States Patent Nos. 6,917,902; 6,931,382;
26 7,107,078; and 9,471,888 (the “Patents-in-Suit”), and alleges as follows:

27 **JURISDICTION**

28 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 Court therefore has jurisdiction over
the subject matter of this action under 28 U.S.C. § 1331 and § 1338.

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PARTIES

2. Kioba Processing LLC is a limited liability company organized under the laws of the State of Georgia with a principal of business in Alpharetta, Georgia.

3. On information and belief, Defendant BMO Bank N.A., formerly known as BMO Harris Bank N.A. (“BMO Bank” or “BMO”), is a national association chartered under federal laws with a principal place of business in Chicago, Illinois.

4. BMO Bank conducts business nationally, including within this judicial district, and is authorized to do business in the State of California, assigned business Entity No. 6261527, and in this judicial district.

PERSONAL JURISDICTION AND VENUE

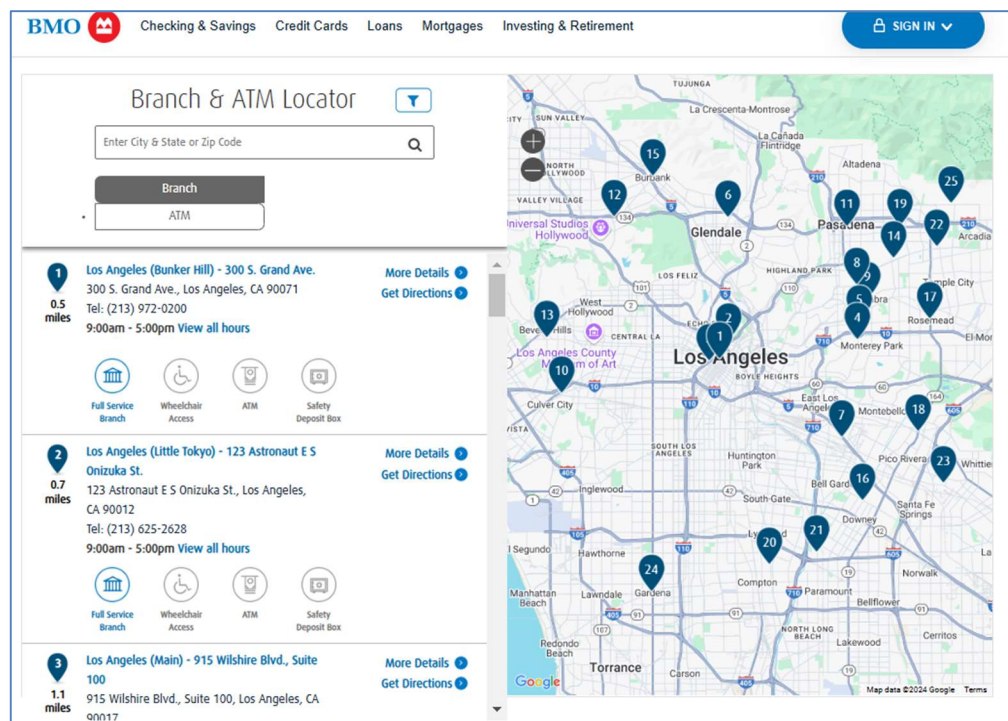
5. On information and belief, BMO Bank contracts with and issues debit cards to its customers, including but not limited to those customers in this judicial district, to provide card services. On information and belief, BMO Bank also provides mobile and online banking services associated with its banking products, such as debit card, checking, and savings accounts. *See* <https://www.bmo.com/en-us/main/personal/>.

6. The Patents-in-Suit cover BMO Bank’s products, services, and methods related to the offering, issuing, providing, registering, facilitating, maintaining, transacting, authenticating, and processing commercial transactions via banking products, including trading, checking, savings, and debit card accounts, which are designed, developed, manufactured, distributed, sold, offered for sale, and used by BMO Bank and/or their customers, consumers, and clients, including but not limited to those customers, consumers, and clients residing in the State of California and this judicial district.

7. On information and belief, BMO Bank, on its own or via its divisions, subsidiaries, partners, and affiliates, maintains a corporate and commercial presence in the United States, including in the State of California and in this judicial district,

1 via at least the following: (1) BMO Bank’s headquarters/regional campus, physical
 2 branch locations, operation centers, and ATM locations established throughout
 3 California, including in this judicial district (e.g., <https://usbranches.bmo.com/ca/>);
 4 (2) BMO Bank’s online presence (e.g., [https://www.bmo.com/en-](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1)
 5 [us/main/personal/ways-to-bank/online-banking/#tab-1](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1)) and banking apps that
 6 provides digital banking users access to BMO Bank’s banking products and services,
 7 including those identified as infringing in this Complaint; and (3) consumers and
 8 clients of BMO Bank who utilize BMO Bank debit card account services, at the
 9 point of sale in numerous merchant physical and online sites (e.g., retail stores,
 10 restaurants, and other service providers accepting BMO Bank debit cards).

11 8. BMO Bank, on its own or via alter egos, agents, divisions, subsidiaries,
 12 partners, and affiliates maintain a physical presence in this jurisdiction, with branch
 13 locations in this district located, as one for example, located at 300 South Grand
 14 Avenue in Los Angeles (see <https://usbranchlocator.bmo.com/>). Thus, BMO Bank
 15 does business, including committing infringing acts, in the United States, in the
 16 State of California, and in this judicial district.



1 9. On information and belief, BMO Bank maintains a regular and
2 established place of business in this judicial district, including but not limited to, at
3 300 South Grand Avenue, Los Angeles.

4 10. On information and belief, BMO Bank has made, used, offered to sell
5 and/or sold products and services in the State of California and this judicial district,
6 including the following specifically accused products and services: (1) the BMO
7 ATM/Debit Card; (2) products and services associated with BMO Bank
8 ATM/Debit Card; (3) products and services implementing BMO Bank Card
9 Manager features; (4) the BMO Bank mobile application; (5) website services
10 accessible through <https://www.bmo.com/en-us/main/personal/> including BMO
11 Bank Internet Banking; (6) BMO Bank automated phone services; (7) website
12 products and services hosted on the bmo.com domain; (8) current or legacy
13 products or services that use, or have used, one or more of the foregoing products
14 and services as a component product or component service; (9) combinations of
15 products and/or services comprising, in whole or in part, two or more of the
16 foregoing products and services; and (10) all other current or legacy products and
17 services imported, made, used, sold, or offered for sale by BMO Bank that operate,
18 or have operated in a substantially similar manner as the above-listed products and
19 services. (As used herein, one or more of the foregoing products and services are
20 individually and collectively referred to as the accused “BMO Bank Products and
21 Services”). On information and belief, the BMO Bank Products and Services
22 infringe at least one claim of each of the Patents-in-Suit.

23 11. On information and belief, BMO Bank, as well as the hardware and
24 software components comprising the BMO Bank Products and Services or that
25 enable the BMO Bank Products and Services to operate—including but not limited
26 to servers, server hardware, server software, website software, web servers, client-
27 side software, mobile software, mobile application software, and browser executable
28 software (individually and collectively referred to herein as the accused “BMO

1 Bank System”)—infringe, literally or under the doctrine of equivalents, at least one
2 claim of each of the Patents-in-Suit.

3 12. This Court has personal jurisdiction over BMO Bank at least because it
4 committed acts of infringement in this judicial district in violation of 35 U.S.C.
5 §§ 271(a) and (b). In particular, on information and belief, BMO Bank has made,
6 used, offered to sell access to, and/or sold access to the accused BMO Bank
7 Products and Services in California and this judicial district; has made, used,
8 offered to sell access to, and/or sold access to the BMO Bank System in California
9 and this judicial district; and has induced the use by its customers of BMO Bank
10 Products and Services and BMO Bank System in California and this judicial district.

11 13. On information and belief, BMO Bank directly infringed the Patents-
12 in-Suit in California and specifically in this judicial district by using, offering to sell
13 access to, or selling access to the accused BMO Bank Products and Services in
14 California and this judicial district, and in making, using, offering to sell access to,
15 and/or selling access to the BMO Bank System in California and this judicial
16 district.

17 14. On information and belief, BMO Bank’s customers located in
18 California and this judicial district have obtained access to and used the accused
19 BMO Bank Products and Services and/or the BMO Bank System while located in
20 California and this judicial district.

21 15. This Court also has personal jurisdiction over BMO Bank under
22 California’s long-arm statutes because BMO Bank has contacts with the State that
23 are so continuous and systematic that exercising personal jurisdiction over it would
24 be consistent with due process.

25 16. On information and belief, BMO Bank’s contacts with the State of
26 California include: (1) owning, managing, operating, and maintaining regular and
27 established places of business in the State, including the branches, facilities, and
28 other physical locations alleged above; (2) employing residents of the State; and

1 (3) soliciting business using the BMO Bank Products and Services and BMO Bank
2 System in the State, (4) supporting and marketing the BMO Bank Products and
3 Services and BMO Bank System to customers and potential customers in the State
4 through various means, including through the efforts of its agents or employees who
5 reside in the State, (5) engaging in substantial business transactions in the State, and
6 purposefully directing its business activities, including the sale or offer for sale of
7 the BMO Bank Products and Services in the State to induce, aid, abet, or contribute
8 to the infringement of third parties in the State, including without limitation the
9 direct infringement of BMO Bank's customers located in the State through the use
10 of BMO Bank Products and Services and the BMO Bank System, while they are
11 physically present in the State, and (6) as a result of its business activities,
12 operations, and sales in the State, earning substantial income in the State.

13 17. In addition, on information and belief, one or more of the accused
14 BMO Bank Products and Services and/or the BMO Bank System were made, used,
15 sold and offered for sale by BMO Bank, its subsidiaries and/or agents, in California
16 and this judicial district.

17 18. The contacts alleged above are the result of deliberate and intentional
18 conduct, purposely directed toward California, on the part of BMO Bank.

19 19. Kioba's claims against BMO Bank arise from BMO Bank's above-
20 alleged contacts with the State of California.

21 20. Given these extensive and purposeful contacts with the State of
22 California, exercising personal jurisdiction over BMO Bank under California's long-
23 arm statutes would be reasonable and consistent with due process.

24 21. Venue is proper under 28 U.S.C. §§ 1391(b), (c), (d), or § 1400(b), at
25 least because BMO Bank has committed acts of infringement in this judicial district,
26 and has regular and established places of business in this judicial district. On
27 information and belief, BMO Bank has litigated cases before this Court in which it
28

1 admitted that venue was proper, did not contest personal jurisdiction and/or venue,
2 and/or filed counterclaims.

3 **BACKGROUND FACTS**

4 ***BMO's Prior Knowledge of the Patents-in-Suit***

5 22. On or about May 18, 2020, in its role as exclusive licensing agent for
6 Kioba, IPinvestments Group sent a letter (the "May 2020 Letter") by email and
7 FedEx to Ms. Christy DeMott in her roles as Associate General Counsel and Vice
8 President of BMO Harris Bank. The May 2020 Letter is attached as **Exhibit A**. The
9 May 2020 Letter was sent to BMO for the express purpose of acquainting BMO
10 with Kioba's patent portfolio, including but not limited to the Patents-in-Suit,
11 before any enforcement action regarding BMO's past and future use related to its
12 "financial, payments and backend processing, data center, and data protection"
13 activities. In the May 2020 Letter, BMO was invited to participate in discussions
14 regarding a license to allow its continued use of Kioba's patented technologies.

15 23. On information and belief, on or about May 18, 2020, Ms. DeMott
16 received a copy of the May 2020 Letter by email, and by FedEx delivery the next
17 day.

18 24. On or about July 23, 2020, and again on October 7, 2020,
19 IPinvestments Group followed up on the May 2020 Letter through emails sent to
20 Ms. DeMott's BMO email address, Christine.demott@bmo.com.

21 25. On information and belief, Ms. DeMott received the follow-up emails
22 sent on July 23, 2020, and October 7, 2020.

23 26. On or about March 18, 2021, then-counsel for Kioba sent by email to
24 Ms. DeMott a letter (the "March 2021 Letter"). The March 2021 Letter is
25 attached as **Exhibit B**. The March 2021 Letter was sent to BMO to follow-up on the
26 initial correspondence alleged above, and additionally, to expressly identify the
27 specific patents (the Patents-in-Suit) that Kioba believed BMO infringes.
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1 27. On information and belief, Ms. DeMott received the March 2021
2 Letter by email.

3 28. On or about September 30, 2022, now-undersigned counsel for Kioba
4 sent a follow-up email to Ms. DeMott (the “September 2022 Email”) and included
5 the previously sent March 2021 Letter for reference. The September 2022 Email is
6 attached as **Exhibit C**. The September 2022 Email was sent to again invite BMO
7 Bank to participate in discussions regarding a license for continued use of Kioba’s
8 patented technologies.

9 29. On information and belief, Ms. DeMott received the September 2022
10 Email with its attachment the March 2021 Letter.

11 30. On or about August 22, 2024, undersigned counsel for Kioba sent a
12 follow-up notice letter to Ms. DeMott by email and FedEx (together, the “August
13 2024 Letter”), which included the previously sent correspondences for reference
14 and draft complaint for patent infringement. The August 2024 Letter is attached as
15 **Exhibit D**. The August 2024 Letter was sent to again invite BMO Bank to
16 participate in discussions regarding a license for continued use of Kioba’s patented
17 technologies.

18 31. On information and belief, Ms. DeMott received the August 2024
19 Letter and email.

20 32. As of the date of filing of this Complaint, BMO has not responded to
21 the May 2020 Letter, March 2021 Letter, August 2024 Letter, or any of the
22 subsequent emails, sent from IPinvestments Group and counsel for Kioba. On
23 information and belief, at all times from May 18, 2020, to the filing of this
24 Complaint, Ms. DeMott has been a duly appointed officer of BMO, holding the
25 office of Associate General Counsel and Vice President. *See, e.g.*,
26 <https://www.linkedin.com/in/christy-demott-7264b85/>.

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United States Patent No. 6,917,902

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2 33. On July 12, 2005, the United States Patent and Trademark Office
3 (“USPTO”) duly and legally issued United States Patent No. 6,917,902 (“the ‘902
4 patent”) entitled “System and Method for Processing Monitoring Data Using Data
5 Profiles” to inventor Bruce Alexander. A copy of the ’902 patent is attached as
6 **Exhibit E.**

7 34. The ’902 patent is presumed valid under 35 U.S.C. § 282.

8 35. Kioba owns all rights, title, and interest in the ’902 patent.

9 36. Kioba has not granted BMO an approval, an authorization, or a license
10 to rights under the ’902 patent.

11 37. The ’902 patent relates to, among other things, biometric data
12 processing systems.

13 38. The claimed invention(s) of the ’902 patent sought to solve problems
14 with, and improve upon, biometric data processing systems. For example, the ’902
15 patent explains “[s]ome monitoring systems, such as security monitoring devices,
16 have begun to incorporate biometric data monitoring devices, such as fingerprint
17 scanners, retinal scanners, or facial recognition devices as part of a monitoring
18 process. Although biometric monitoring devices can potentially facilitate the
19 identification of individuals, objects and/or events, many traditional monitoring
20 systems have not incorporated various biometric monitoring devices as part of an
21 integrated monitoring process.” ’902 patent, 1:42-50.

22 39. The ’902 patent further explains that “some incoming biometric data
23 is incompatible with the typical reference sources and/or processing rules. Thus,
24 the use of biometric identification devices as part of an overall monitoring process is
25 still limited. In addition to the lack of ability to integrate biometric data processing
26 as part of a monitoring process, many traditional monitoring systems do not provide
27 or support robust data sources required by the traditional biometric identification
28 devices. One skilled in the relevant art will appreciate that biometric identification

1 tools require the use of data templates and data rules that are used to process
2 biometric sample data coming in from the monitoring devices.” *Id.* at 1:54-66.
3 At the time of the invention, “many closed monitoring systems [could not]
4 efficiently support various biometric identification devices” or could not “utilize an
5 external data template source if the data is maintained in an incompatible format.”
6 *Id.* at 2:3-9. The ’902 patent recognized this drawback and solved the “need for a
7 system and method for centrally processing and distributing biometric data
8 templates and data rules to one or more processing systems.” As well as the “need
9 for a system and methods for processing specific instances and types of biometric
10 data.” *Id.* at 2:13-17. The techniques for monitoring and processing device data
11 disclosed and claimed by the ’902 patent were not routine or conventional at the
12 time of their invention.

13 ***United States Patent No. 6,931,382***

14 40. On August 16, 2005, the USPTO duly and legally issued United States
15 Patent No. 6,931,382 (“the ’382 patent”) entitled “Payment Instrument
16 Authorization Technique” to inventors, Dominic P. Laage and Maria T. Laage. A
17 copy of the ’382 patent is attached as **Exhibit F**.

18 41. The ’382 patent is presumed valid under 35 U.S.C. § 282.

19 42. Kioba owns all rights, title, and interest in the ’382 patent.

20 43. Kioba has not granted BMO Bank an approval, an authorization, or a
21 license to the rights under the ’382 patent.

22 44. The ’382 patent relates to, among other things, a new and novel
23 approach to protect against fraudulent credit and debit card activity.

24 45. The claimed invention(s) of the ’382 patent sought to solve problems
25 with, and improve upon, credit and debit card systems. For example, the ’382
26 patent explains that online commerce creates numerous security risks associated
27 with the storage of “sensitive financial data.” ’382 patent at 2:7-17. Online
28 commerce presents numerous risks for both consumers and merchants. *Id.* Among

1 other things, merchants face risks associated with fraudulent and unauthorized use.
2 *See, e.g., id.* at 2:24-58. Similarly, consumers face risks associated with unauthorized
3 access to their financial data. *See, e.g., id.* at 2:59-63. The '382 patent recognized
4 these problems and the need for “a system and method for providing assurance to
5 the merchant that the person attempting to make a purchase with a payment
6 instrument is in fact the authorized user of the instrument. There also exists a need
7 for a system and method that allows a merchant to prove that the authorized
8 cardholder actually made the transaction. There also exists a need for a system and
9 method for reducing the likelihood of a cardholder’s issuing bank authorizing a
10 fraudulent online transaction.” *Id.* at 2:64-3:5.

11 46. After identifying shortcomings in the prior art, the '382 patent
12 provides technical solutions for preventing fraud and unauthorized transactions.
13 More specifically, the patent discloses “technique[s] for strongly authenticating the
14 owner of [a] payment instrument[]” and “a process by which owners of payment
15 instruments [] have control over the usage of their payment instruments by giving
16 them the ability selectively to block and unblock their payment instruments.” *See,*
17 *e.g., id.* at 3:8-21. The techniques for selectively blocking and unblocking payment
18 instruments disclosed by the '382 patent were not routine or conventional at the
19 time of their invention.

20 47. The claims of the '382 patent are directed to patent eligible subject
21 matter under 35 U.S.C. § 101. The claims (1) are not directed to an abstract idea,
22 and (2) are directed to a patentable inventive concept. As set forth above more
23 specifically, the inventions recited in the claims of the patent disclose a specific
24 means or method that solves a problem in an existing technological process, detail a
25 specific technological solution to a specific technological problem, provide an
26 unconventional technological solution to problems existing in the prior art, and
27 provide improvements to the process and functionality of authenticating the owner
28 of a payment instrument and allowing that owner to lock or unlock the payment

1 instrument on command. The claims of the '382 patent bring together numerous
2 unconventional concepts and features and set forth a solution that is necessarily
3 rooted in computer technology.

4 *United States Patent No. 7,107,078*

5 48. On September 12, 2006, the USPTO duly and legally issued United
6 States Patent No. 7,107,078 (“the '078 patent”) entitled “Method and System for
7 the Effecting Payments by Means of a Mobile Station” to inventor Mariette Lehto.
8 A copy of the '078 patent is attached as **Exhibit G**.

9 49. The '078 patent is presumed valid under 35 U.S.C. § 282.

10 50. Kioba owns all rights, title, and interest in the '078 patent.

11 51. Kioba has not granted BMO Bank an approval, an authorization, or a
12 license to the rights under the '078 patent.

13 52. The '078 patent relates to, among other things, authentication systems
14 for transactions.

15 53. The invention(s) claimed in the '078 patent solves various
16 technological problems inherent in prior-art transaction authentication systems. For
17 example, the specification of the '078 patent discloses shortcomings in the prior art
18 and then explains, in detail, the technical way the inventions claimed by the '078
19 patent resolve or overcome those shortcomings. The '078 patent recognized that
20 the burgeoning mobile payment systems did not allow for a convenient “way to
21 select the method of payment for a particular situation that has arisen based on
22 current circumstances or the user’s wishes.” *See, e.g.*, '078 patent, 1:36-47. The
23 '078 patent “makes it possible to offer the user a variety of user-selectable
24 alternatives, suitable for the particular purchase, for making a payment.” *Id.* at 3:12-
25 15. The '078 patent overcame this shortcoming by providing a secure interface for a
26 user to select a preferred payment method. Additionally, the '078 patent recognized
27 the benefits of using a network application to store user-specific information relating
28 to payments, such as credit card numbers and encryption data. *Id.* at 3:21-25.

1 Among other things, this solution provides the user with the ability to select a
2 secure payment method, while avoiding the risks associated with storing payment
3 information on a mobile terminal. The techniques for securely storing and
4 presenting payment information disclosed by the '078 patent were not routine or
5 conventional at the time of their invention.

6 54. The claims of the '078 patent are directed to patent eligible subject
7 matter under 35 U.S.C. § 101. The claims (1) are not directed to an abstract idea,
8 and (2) are directed to a patentable inventive concept. As set forth above more
9 specifically, the inventions recited in the claims of the patent disclose a specific
10 means or method that solves a problem in an existing technological process, detail a
11 specific technological solution to a specific technological problem, provide an
12 unconventional technological solution to problems existing in the prior art, and
13 provide improvements to the process and functionality of providing a user the
14 ability to select a secure payment method, while avoiding the risks associated with
15 storing payment information on a mobile terminal. The claims of the '078 patent
16 bring together numerous unconventional concepts and features and set forth a
17 solution that is necessarily rooted in computer technology.

18 *United States Patent No. 9,417,888*

19 55. On October 18, 2016, the USPTO duly and legally issued United States
20 Patent No. 9,471,888 (“the '888 patent”) entitled “Transmission of authorization
21 information” to inventors Toni Komu, Petri Pohjanen, and Antti Kilpela. A copy of
22 the '888 patent is attached as **Exhibit H**.

23 56. The '888 patent is presumed valid under 35 U.S.C. § 282.

24 57. Kioba owns all rights, title, and interest in the '888 patent.

25 58. Kioba has not granted BMO Bank an approval, an authorization, or a
26 license to the rights under the '888 patent.

27 59. The '888 patent relates to, among other things, using a mobile station
28 for the transmission of authorization information in a telecommunication network.

1 60. The claimed invention(s) of the '888 patent sought to solve problems
2 with, and improve upon, the solution is to transmit the information into a mobile
3 station by utilizing the short message function. Instead of visual verification, the
4 verification can also be accomplished by utilizing, *e.g.*, the infrared link of the mobile
5 station.

6 61. The claimed invention(s) of the '888 patent sought to solve problems
7 with, and improve upon, a verification procedure implemented using the short
8 message function is that the user is required to perform certain actions to present
9 the information to be verified in connection with the verification procedure and if
10 only visual verification of the information is desired, it is not possible to add to a
11 normal text message any property or check element of a visual nature.

12 62. The claimed invention(s) of the '888 patent sought to solve problems
13 with and improve upon the method that the user has to transfer the ticket
14 information by some means from the mobile station to an external device. The '888
15 patent recognized this drawback and solved the problem by implementing a method
16 that will make it possible to use a mobile station for the transmission of
17 authorization information requiring verification in a telecommunication network.

18 63. The claims of the '888 patent are directed to patent eligible subject
19 matter under 35 U.S.C. § 101. The claims (1) are not directed to an abstract idea,
20 and (2) are directed to a patentable inventive concept. As set forth above more
21 specifically, the inventions recited in the claims of the patent disclose a specific
22 means or method that solves a problem in an existing technological process, detail a
23 specific technological solution to a specific technological problem, provide an
24 unconventional technological solution to problems existing in the prior art, and
25 provide improvements to the process and functionality of conveniently verifying
26 user identify to authenticate a user through a mobile device. The claims of the '888
27 patent bring together numerous unconventional concepts and features and set forth
28 a solution that is necessarily rooted in computer technology.

CLAIMS FOR RELIEF

CLAIM ONE

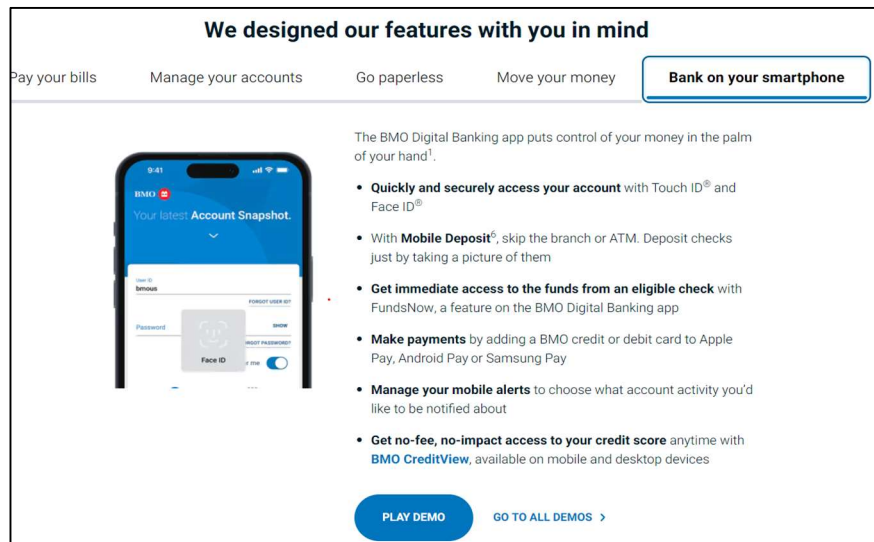
Infringement of U.S. Patent No. 6,917,902

64. All prior paragraphs are incorporated into this claim.

65. On information and belief, BMO Bank violated 35 U.S. C. § 271(a) and (b) with respect to one or more claims of the '902 patent.

66. On information and belief, BMO Bank (or those acting on its behalf) (i) made, used, sold, imported and/or offered to sell the BMO Bank Products and Services; (ii) made, used sold, sold access to, imported, offered to sell and/or offered to sell access to the BMO Bank System; and, (iii) induced its customers to use the BMO Bank Products and Services and the BMO Bank System, in the United States that infringed (literally and/or under the doctrine of equivalents) at least claim 1 of '902 patent.

67. On information and belief, one or more components of the BMO Bank System employed and provided a method for processing monitoring device data received from at least one of the plurality of monitoring devices (e.g., smartphone) comprising obtaining monitoring device data characteristics of an individual (e.g., fingerprint, Face ID, and/or Voice ID) from at least one of the plurality of monitoring devices.



1 See, e.g., [https://www.bmo.com/en-us/main/personal/ways-to-bank/online-](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5)
2 banking/#tab-5.

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BMO Digital Banking Agreement
May 29, 2024

This BMO Digital Banking Agreement covers your use of BMO Digital Banking which includes both Online Banking and Mobile Banking as well as the Services provided to you by BMO Bank N.A. ("BMO") through those platforms.

Please carefully read and print or download a copy of this Agreement, which you can find at www.bmo.com/us/legal. We will provide you notice of any changes to this Agreement that we make from time to time, please refer to Section I.C. below for more information. **You will not be able to use any of the Services after the effective date of any such changes unless you consent to the most current version of this Agreement.** Capitalized terms used in this Agreement are defined in Section II below. We encourage you to review these definitions, especially for frequently used terms like "Account" or "Internal Transfer." These terms have very specific meanings. Understanding how defined terms are used will help you better understand this Agreement.

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See <https://www.bmo.com/en-us/pdf/global/Digital-Banking-Agreement.pdf> (screenshots of BMO's Digital Banking Agreement); *id.* at 1.

Security Credentials mean the information we use to identify you when accessing your Accounts and Services and may include user names, security devices, account numbers, personal identification numbers (PINs), Card numbers, User IDs, passwords, tokens, biometric identifiers, and challenge questions and answers. Security Credentials may be assigned to you by us or selected by you, as may be updated from time to time.

See *id.* at 7.

E. MOBILE BANKING SECURITY CREDENTIALS

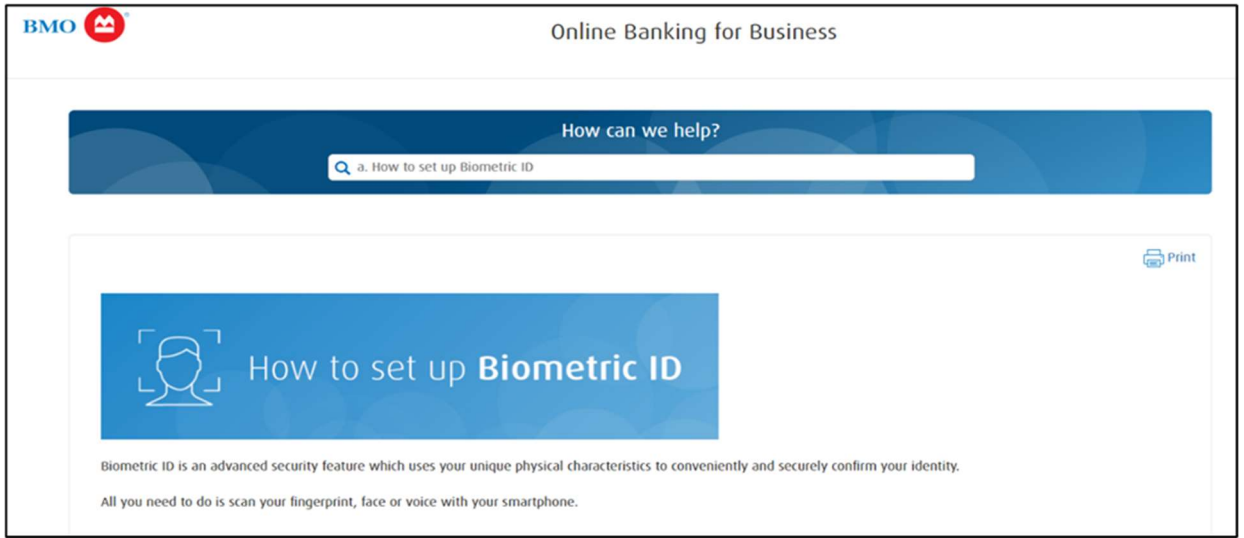
We may allow you to access certain Services through your Eligible Mobile Device using additional Security Credentials created exclusively for Mobile Banking. For example, we may allow you to log in to Mobile Banking by using a Mobile Banking passcode or an existing biometric identifier.

If you register to use a biometric identifier on your Eligible Mobile Device to log in to Mobile Banking, such as Touch ID[®] or Face ID[®], you agree and understand that anyone else whose biometric identifier can be used on your Eligible Mobile Device will have access to your Mobile Banking Services. You may not register to access Mobile Banking in this manner if there are other persons whose biometric identifiers can be used to access your Eligible Mobile Device. Doing so would grant authority to such other person to access your Account(s) and Account Information and perform transactions through Mobile Banking which is not permitted under the terms of this Agreement. You are liable for any transactions performed by any such person.

See *id.* at 43.

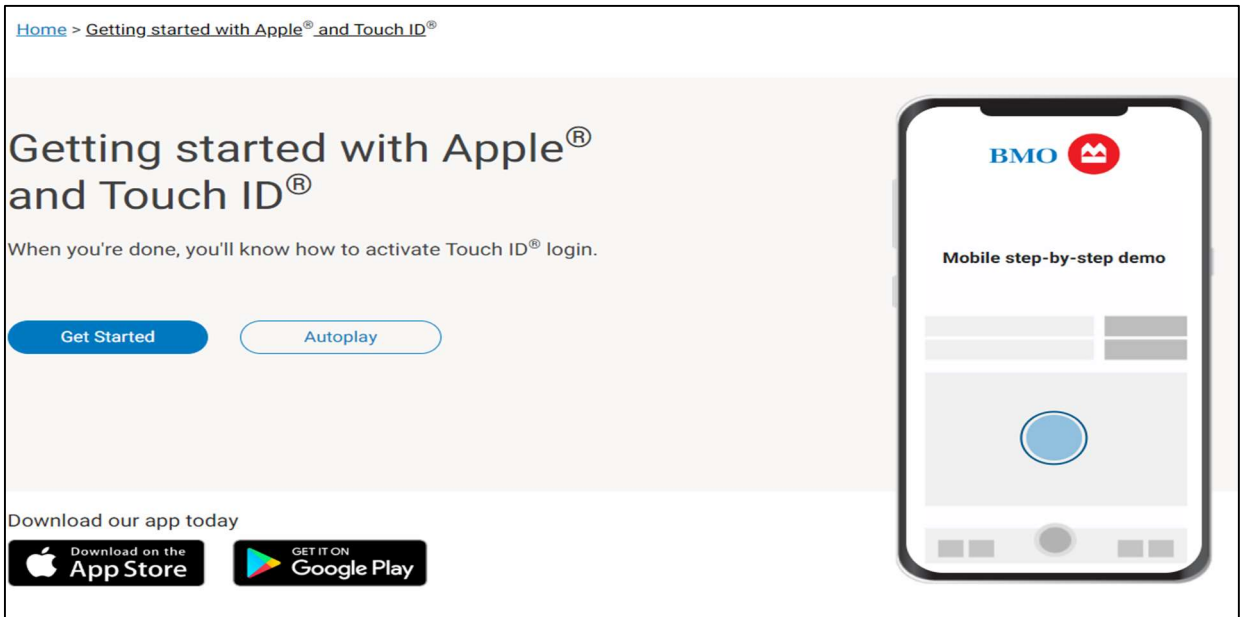
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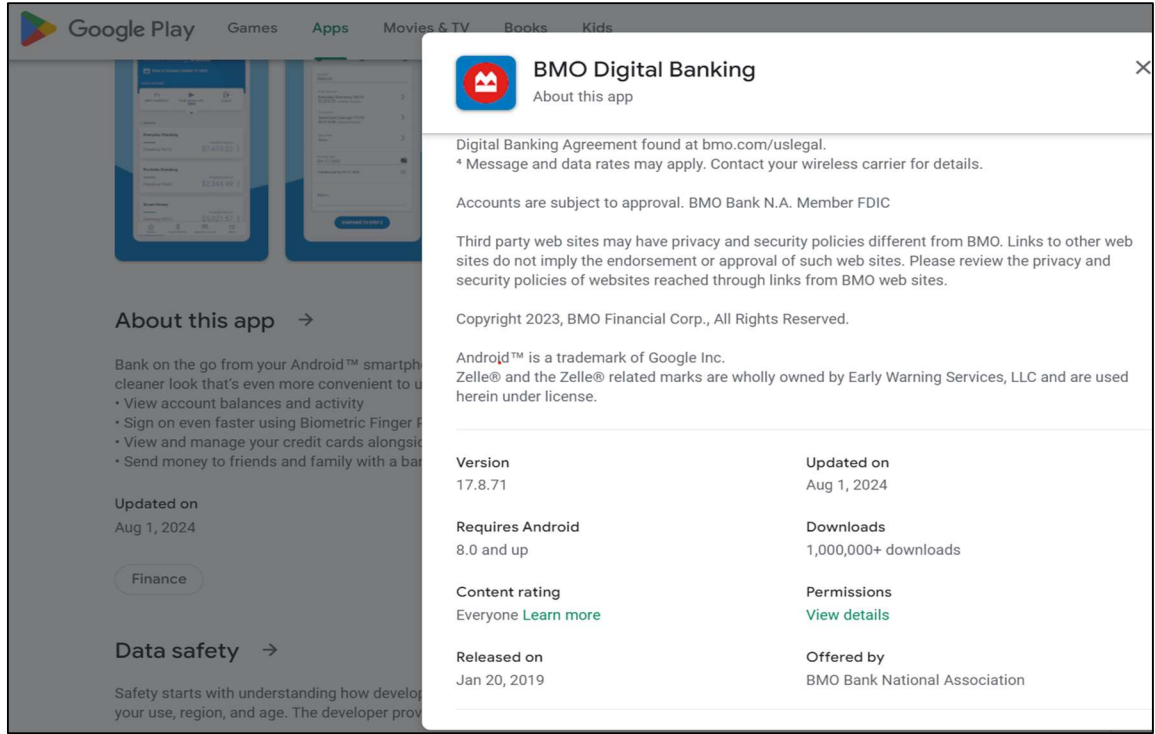
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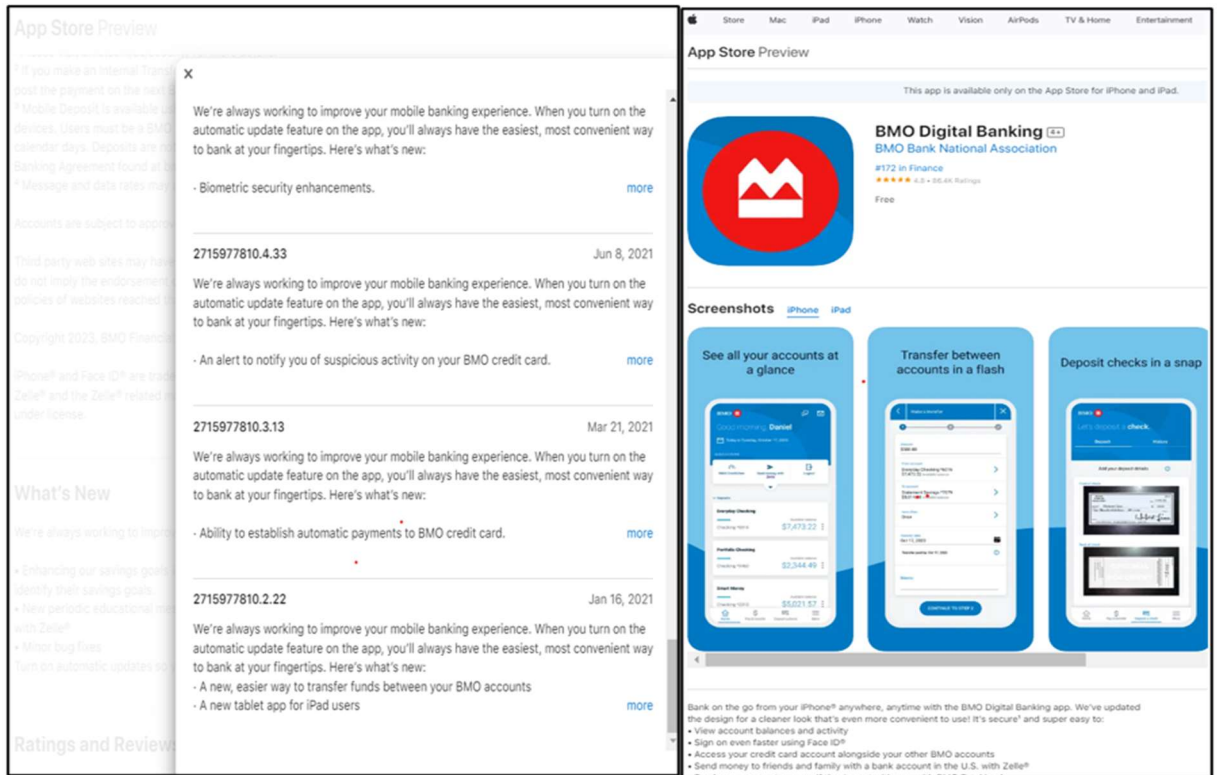
See <https://usdemos.bmo.com/en/course/start/public-getting-started-apple-touchid/emulator-public-getting-started-apple-touchid/emulator>.

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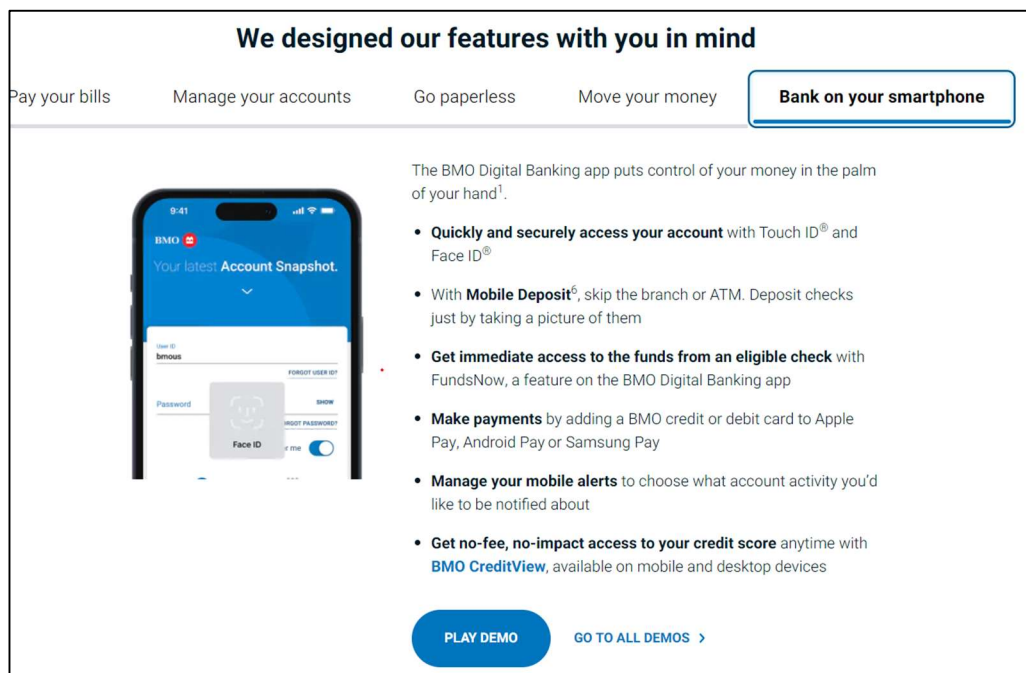


See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.



See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

1 68. On information and belief, one or more components of the BMO Bank
2 System employed and provided a method for processing monitoring device data
3 received from at least one of the plurality of monitoring devices (e.g., a smartphone)
4 comprising associating at least one data profile corresponding to a data type of the
5 obtained monitoring device data, wherein the data profile includes an identification
6 of a data processing template, at least one processing rule and at least one action
7 assessment corresponding to the processing of the data processing template and at
8 least one processing rule.



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20 See, e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.

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22 **BMO Digital Banking Agreement**
23 **May 29, 2024**

24 This BMO Digital Banking Agreement covers your use of BMO Digital Banking which includes both Online Banking and Mobile Banking as well as the Services provided to you by BMO Bank N.A. ("BMO") through those platforms.

25 Please carefully read and print or download a copy of this Agreement, which you can find at www.bmo.com/us/legal. We will provide you notice of any changes to this Agreement that we make from time to time, please refer to Section I.C. below for more information. **You will not be able to use any of the Services after the effective date of any such changes unless you consent to the most current version of this Agreement.** Capitalized terms used in this Agreement are defined in Section II below. We encourage you to review these definitions, especially for frequently used terms like "Account" or "Internal Transfer." These terms have very specific meanings. Understanding how defined terms are used will help you better understand this Agreement.

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28 **Table of Contents**

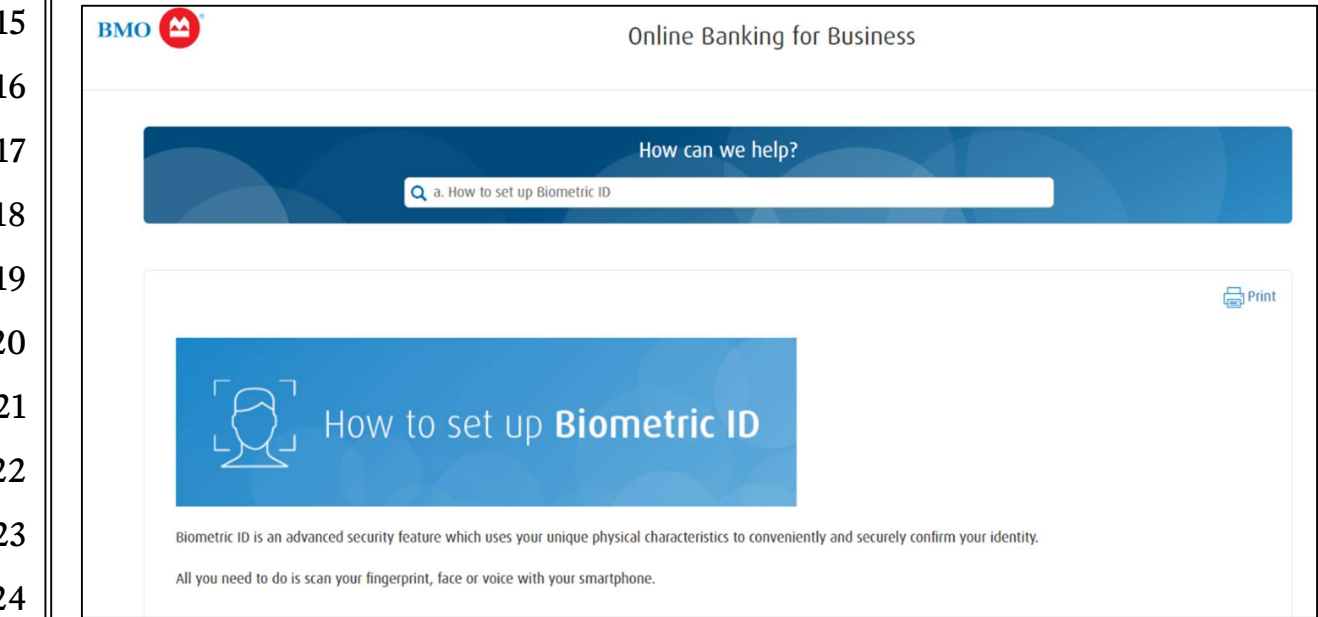
1 See <https://www.bmo.com/en-us/pdf/global/Digital-Banking-Agreement.pdf>
2 (screenshots of BMO’s Digital Banking Agreement); *id.* at 1.

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4 **Security Credentials** mean the information we use to identify you when accessing your Accounts and Services and may
5 include user names, security devices, account numbers, personal identification numbers (PINs), Card numbers, User IDs,
6 passwords, tokens, biometric identifiers, and challenge questions and answers. Security Credentials may be assigned to
7 you by us or selected by you, as may be updated from time to time.

8 *See id.* at 7.

9 **E. MOBILE BANKING SECURITY CREDENTIALS**
10 We may allow you to access certain Services through your Eligible Mobile Device using additional Security Credentials
11 created exclusively for Mobile Banking. For example, we may allow you to log in to Mobile Banking by using a Mobile
12 Banking passcode or an existing biometric identifier.
13 If you register to use a biometric identifier on your Eligible Mobile Device to log in to Mobile Banking, such as Touch ID®
14 or Face ID®, you agree and understand that anyone else whose biometric identifier can be used on your Eligible Mobile
15 Device will have access to your Mobile Banking Services. You may not register to access Mobile Banking in this manner
16 if there are other persons whose biometric identifiers can be used to access your Eligible Mobile Device. Doing so would
17 grant authority to such other person to access your Account(s) and Account Information and perform transactions through
18 Mobile Banking which is not permitted under the terms of this Agreement. You are liable for any transactions performed
19 by any such person.

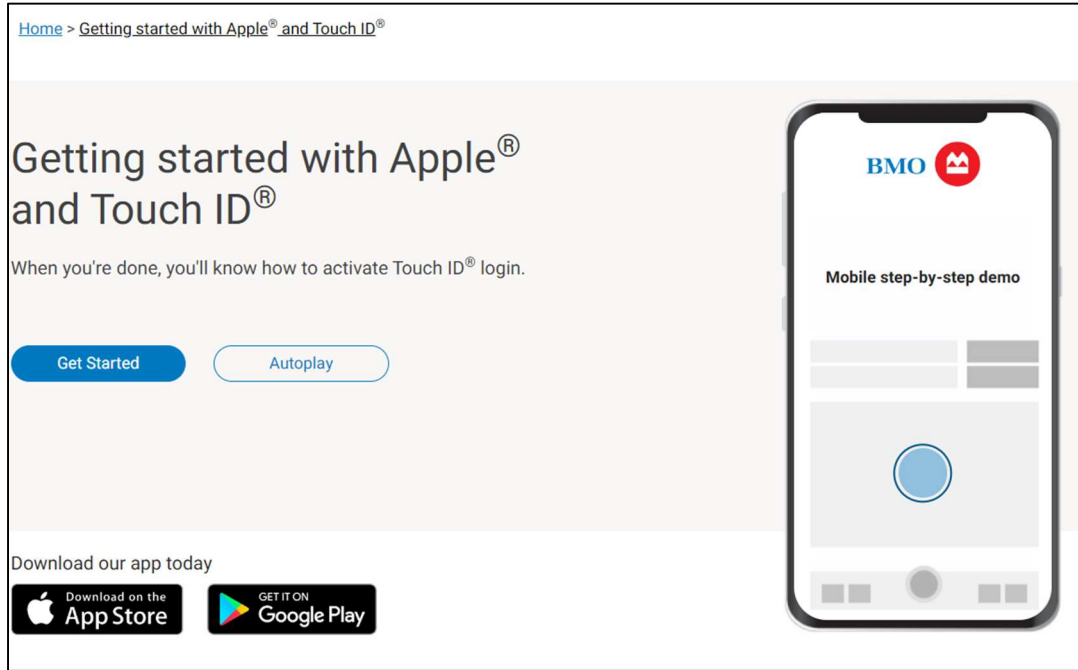
20 *See id.* at 43.



21 *See*
22 <https://bmocm.intelliresponse.com/olbb/en/?requestType=NormalRequest&source=1&id=6699&question=H>.
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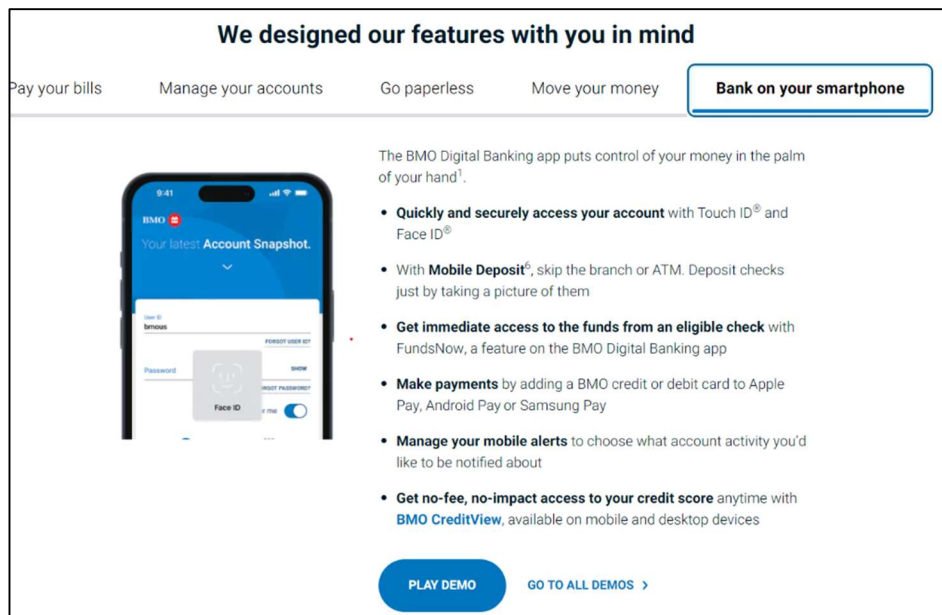
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See <https://usdemos.bmo.com/en/course/start/public-getting-started-apple-touchid/emulator-public-getting-started-apple-touchid/emulator>.

69. On information and belief, one or more components of the BMO Bank system employed and provided a method for processing monitoring device data received from at least one of the plurality of monitoring devices (e.g. a smartphone) comprising processing the monitoring device data according to at least one data profile.



1 See e.g., [https://www.bmo.com/en-us/main/personal/ways-to-bank/online-](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5)
2 banking/#tab-5.

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BMO Digital Banking Agreement
May 29, 2024

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Please carefully read and print or download a copy of this Agreement, which you can find at www.bmo.com/us/legal. We will provide you notice of any changes to this Agreement that we make from time to time, please refer to Section I.C. below for more information. **You will not be able to use any of the Services after the effective date of any such changes unless you consent to the most current version of this Agreement.** Capitalized terms used in this Agreement are defined in Section II below. We encourage you to review these definitions, especially for frequently used terms like "Account" or "Internal Transfer." These terms have very specific meanings. Understanding how defined terms are used will help you better understand this Agreement.

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See <https://www.bmo.com/en-us/pdf/global/Digital-Banking-Agreement.pdf> (screenshots of BMO's Digital Banking Agreement); *id.* at 1.

Security Credentials mean the information we use to identify you when accessing your Accounts and Services and may include user names, security devices, account numbers, personal identification numbers (PINs), Card numbers, User IDs, passwords, tokens, biometric identifiers, and challenge questions and answers. Security Credentials may be assigned to you by us or selected by you, as may be updated from time to time.

See *id.* at 7.

E. MOBILE BANKING SECURITY CREDENTIALS

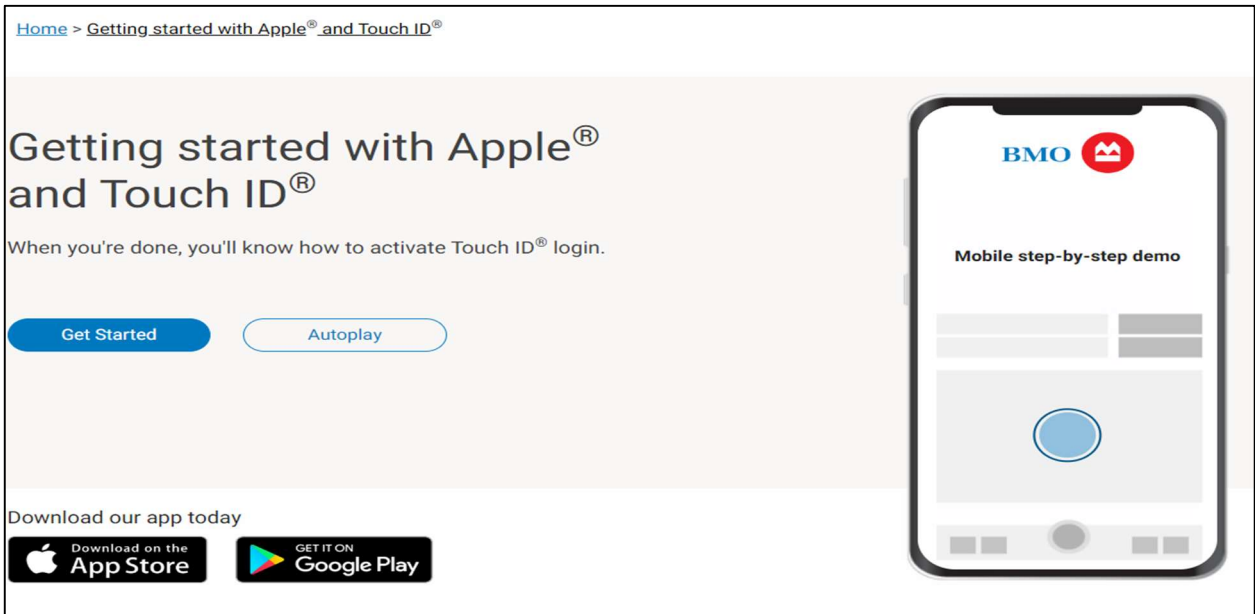
We may allow you to access certain Services through your Eligible Mobile Device using additional Security Credentials created exclusively for Mobile Banking. For example, we may allow you to log in to Mobile Banking by using a Mobile Banking passcode or an existing biometric identifier.

If you register to use a biometric identifier on your Eligible Mobile Device to log in to Mobile Banking, such as Touch ID® or Face ID®, you agree and understand that anyone else whose biometric identifier can be used on your Eligible Mobile Device will have access to your Mobile Banking Services. You may not register to access Mobile Banking in this manner if there are other persons whose biometric identifiers can be used to access your Eligible Mobile Device. Doing so would grant authority to such other person to access your Account(s) and Account Information and perform transactions through Mobile Banking which is not permitted under the terms of this Agreement. You are liable for any transactions performed by any such person.

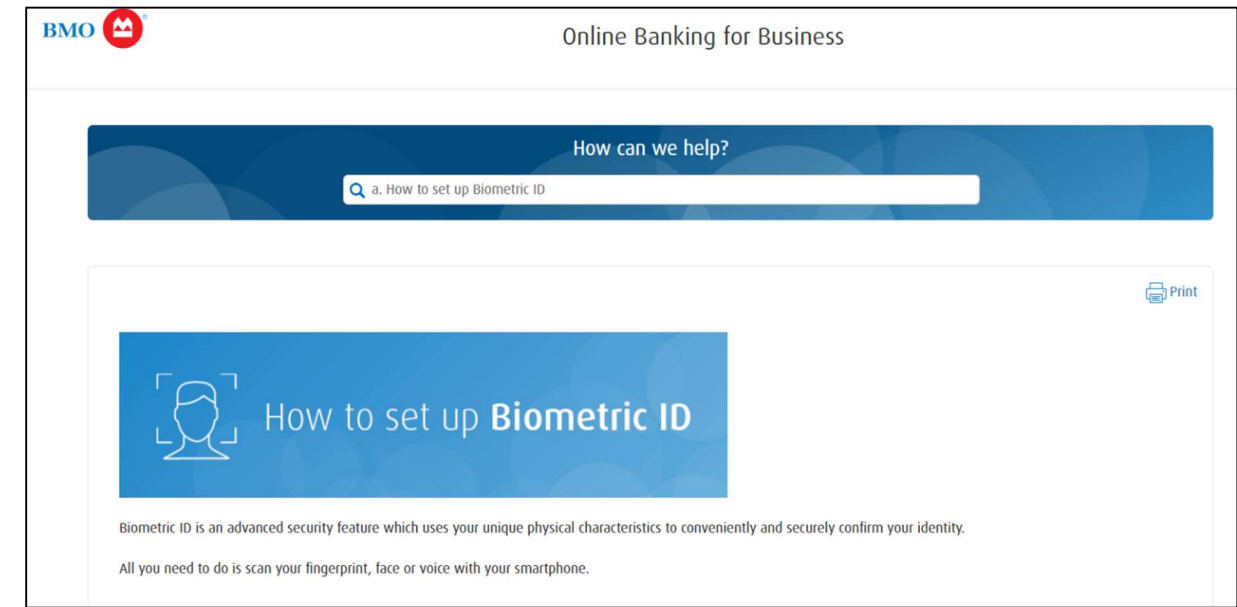
See *id.* at 43.

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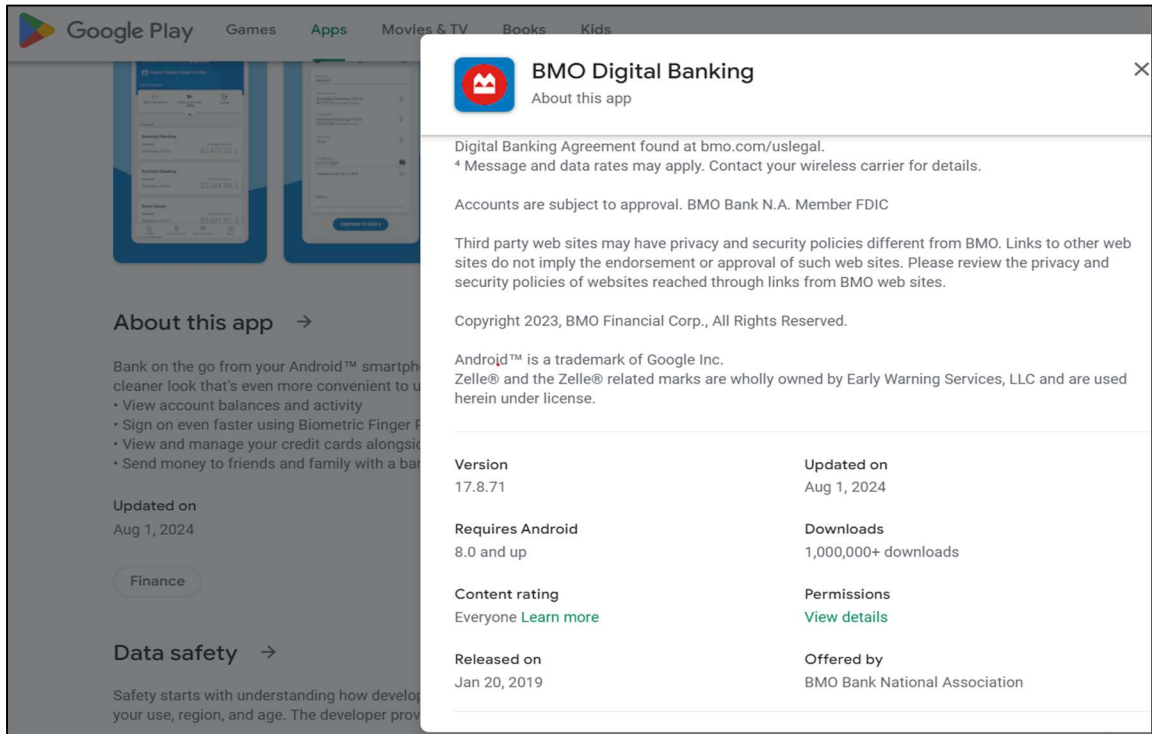
See <https://usdemos.bmo.com/en/course/start/public-getting-started-apple-touchid/emulator-public-getting-started-apple-touchid/emulator>.



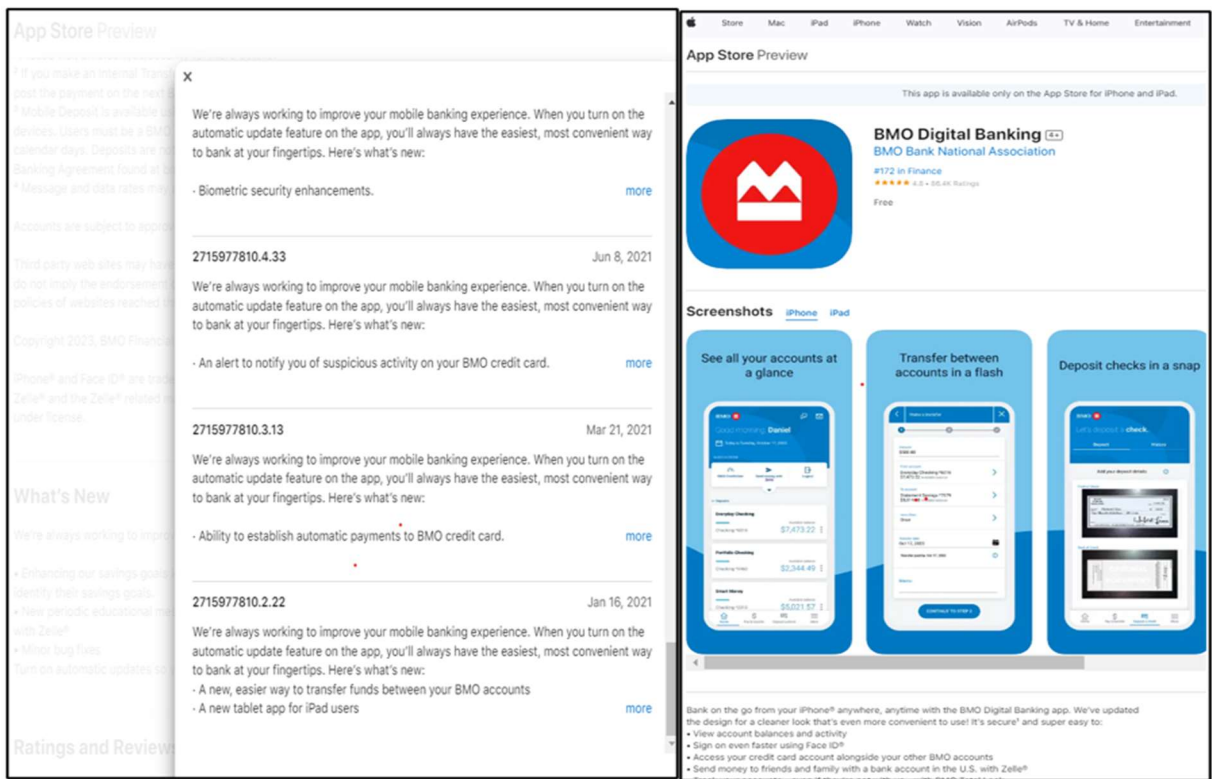
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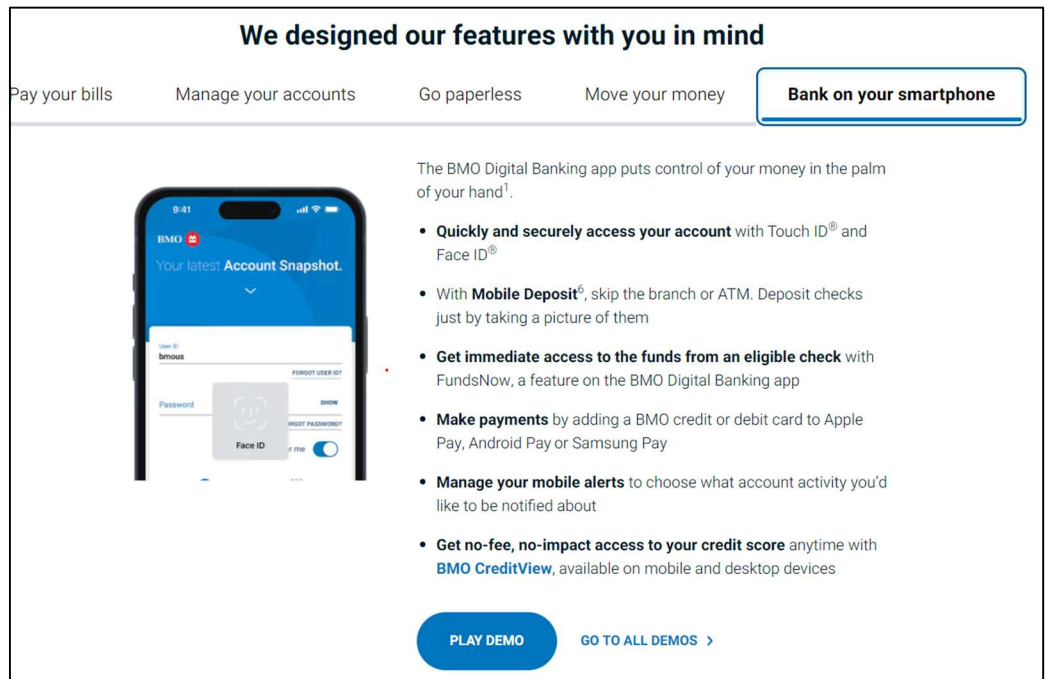


See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.



See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

1 70. On information and belief, one or more components of the BMO Bank
2 System employed and provided a method for processing monitoring device data
3 received from at least one of the plurality of monitoring devices (e.g., a smartphone)
4 comprising generating an action assessment corresponding to the processing of the
5 monitoring device data to at least one data profile.



17 See e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.

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27 See <https://www.bmo.com/en-us/pdf/global/Digital-Banking-Agreement.pdf>
28 (screenshots of BMO's Digital Banking Agreement); *id.* at 1.

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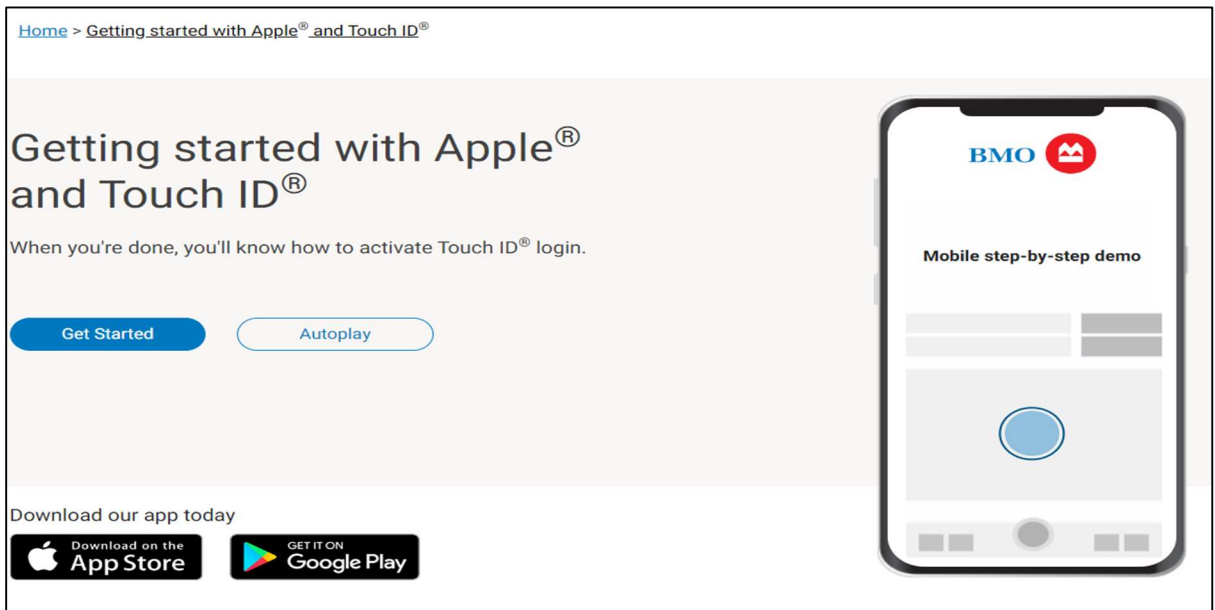
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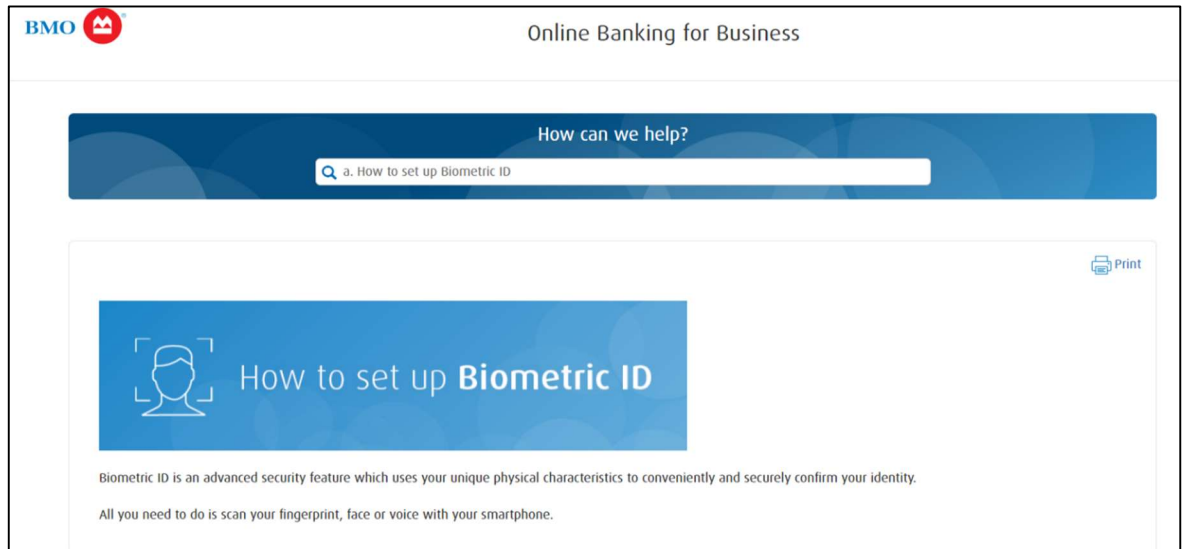
See id. at 43.



See <https://usdemos.bmo.com/en/course/start/public-getting-started-apple-touchid/emulator-public-getting-started-apple-touchid/emulator>.

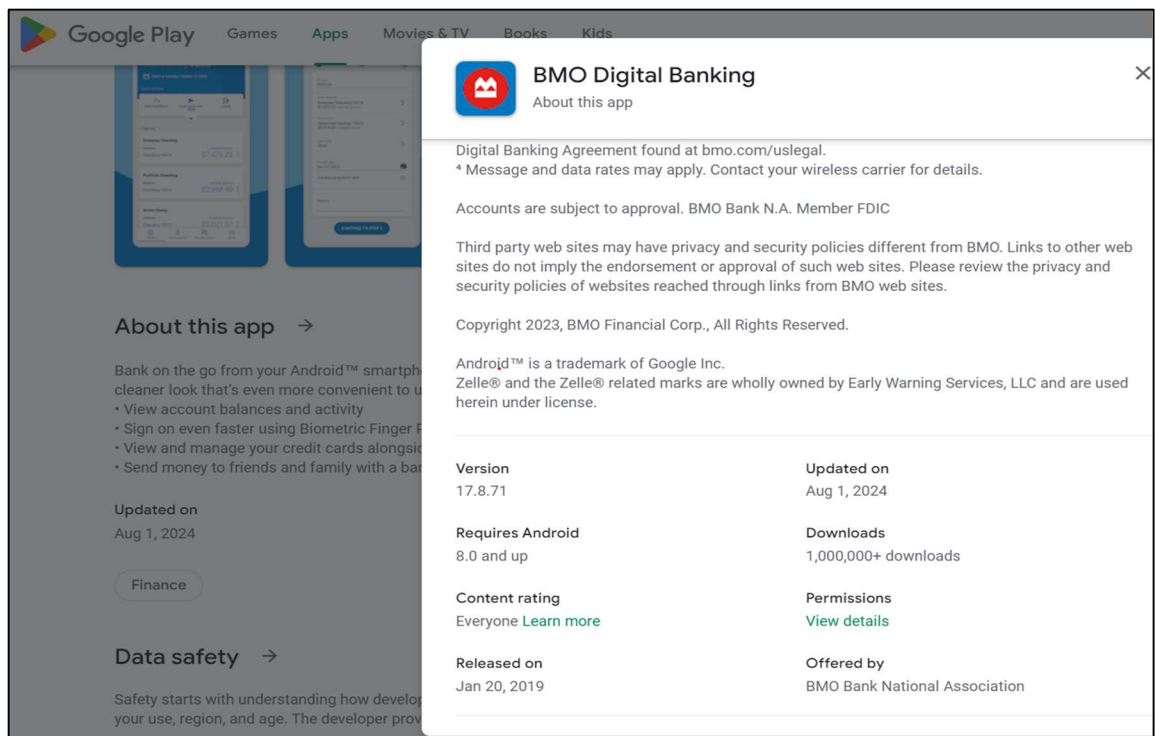
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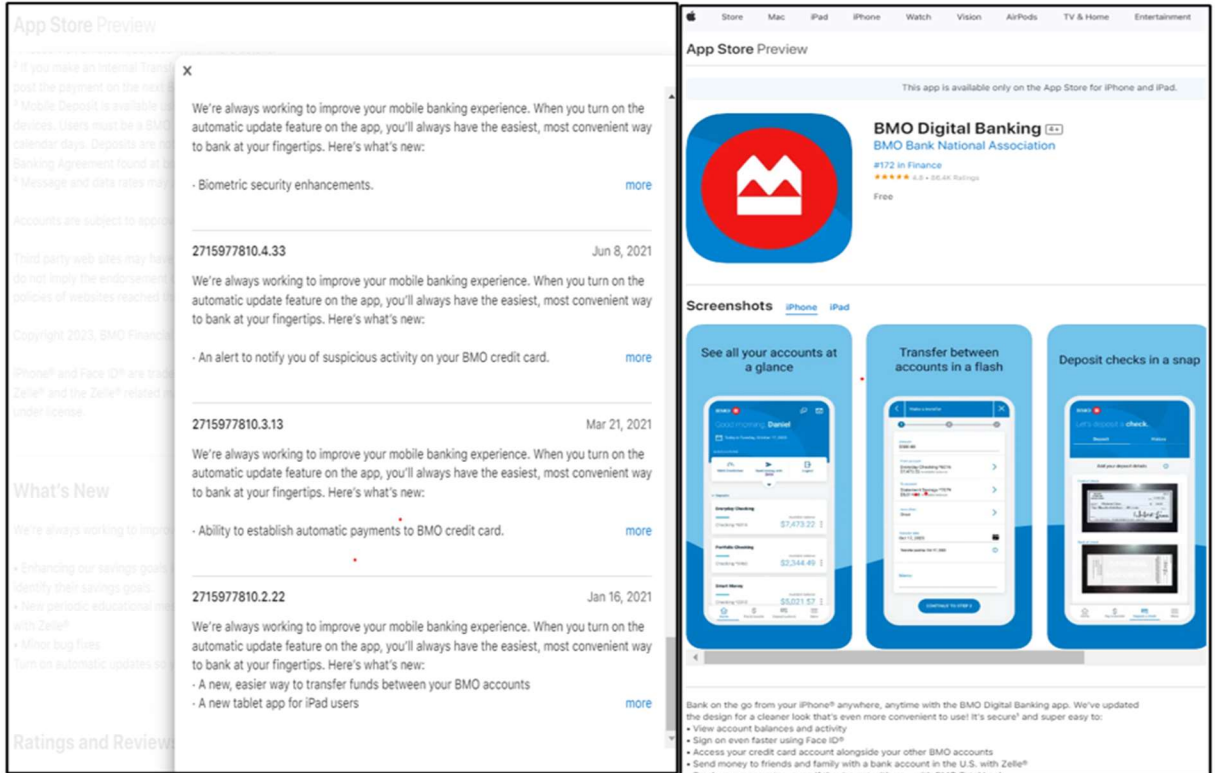
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<https://bmocm.intelliresponse.com/olbb/en/?requestType=NormalRequest&source=1&id=6699&question=H>.



See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.
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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

71. On information and belief, BMO Bank directly infringed at least claim 1 of the '902 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the BMO Bank Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the BMO Bank System.

72. On information and belief, at least since its receipt of the May 2020 Letter on or about May 18, 2020, and its knowledge of the '902 patent BMO Bank knowingly encouraged, customers to directly infringe one or more claims of the '902 patent, including but not limited to claim 1, including by BMO actions that include, without limitation, specifically instructing and actively encouraging customers to use the BMO Products and Services and BMO System through its advertisements, promotional materials, and user instructions.

73. On information and belief, BMO Bank's advertisements, promotional materials and user instructions, instruct and actively encourage BMO's customers

1 to practice each and every element of, at least, the methods of claim 1 of the '902
2 patent.

3 74. On information and belief, at least since its 2020 receipt of the May
4 2020 Letter, BMO knows that the acts BMO induced customers to take constituted
5 direct patent infringement and BMO's encouraging acts resulted in direct
6 infringement by its customers.

7 75. On information and belief, BMO instructed and instructs customers to
8 use the BMO Products and Services and BMO System, without limitation, through
9 BMO Bank's website, which provides access to, and support for using BMO
10 Products and Services and BMO System.

11 76. On information and belief, BMO Bank's customers directly infringed
12 at least claim 1 of the '902 patent through their use of the BMO Bank Products and
13 Services and the BMO Bank System.

14 77. On information and belief, BMO Bank is in violation of 35 U.S.C. §
15 271(b) and has indirectly infringed at least claim 1 of the '902 patent by knowingly
16 and specifically having intended to induce infringement by others (including,
17 without limitation, BMO's customers) and possessing specific intent to encourage
18 infringement by BMO's customers. The BMO Products and Services and BMO
19 System are and were specifically configured to function in accordance with the '902
20 patent claims, are material parts of the invention, and do not have substantial non-
21 infringing uses.

22 78. Kioba has been damaged by the direct and/or indirect infringement of
23 BMO Bank and has suffered irreparable harm and damages as a result of this
24 infringement.

25 CLAIM TWO

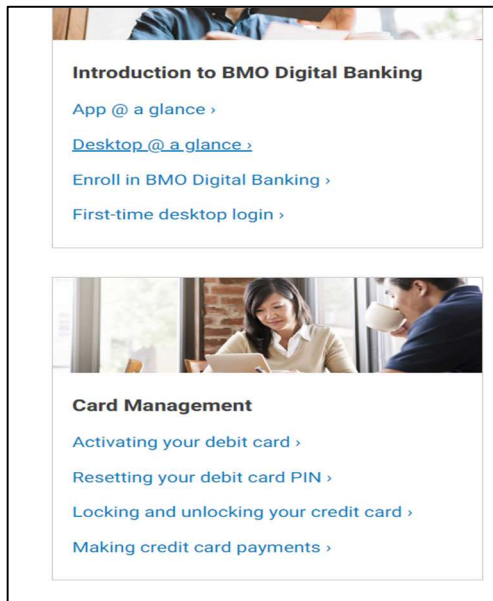
26 Infringement of U.S. Patent No. 6,931,382

27 79. All prior paragraphs are incorporated into this claim.
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1 80. On information and belief, BMO Bank violated 35 U.S. C. § 271 (a)
2 and (b) with respect to one or more claims of the '382 patent.

3 81. On information and belief, BMO Bank (or those acting on its behalf)
4 (i) made, used, sold, imported and/or offered to sell the BMO Bank Products and
5 Services, (ii) made, used, sold, sold access to, imported, offered to sell and/or
6 offered to sell access to the BMO Bank System; and, (iii) induced its customers to
7 use the BMO Bank Products and Services and the BMO Bank System, in the United
8 States that infringe (literally and/or under the doctrine of equivalents) at least
9 claims 6 and 8 of the '382 patent.

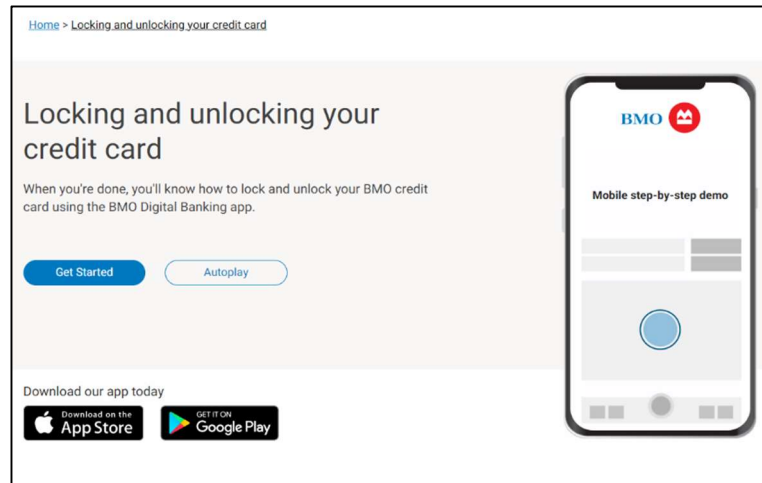
10 82. On information and belief, when BMO Bank's customers used one or
11 more components of the BMO Bank Products and Services and BMO Bank System,
12 they practiced a method of protecting a payment instrument (e.g., a debit card or
13 credit card) used in transactions, the payment instrument being issued by an issuing
14 entity (e.g., BMO Bank) and associated with an authorized instrument holder, the
15 authorized instrument holder (e.g., BMO Bank's customer) being subject to
16 authentication by an authentication function.



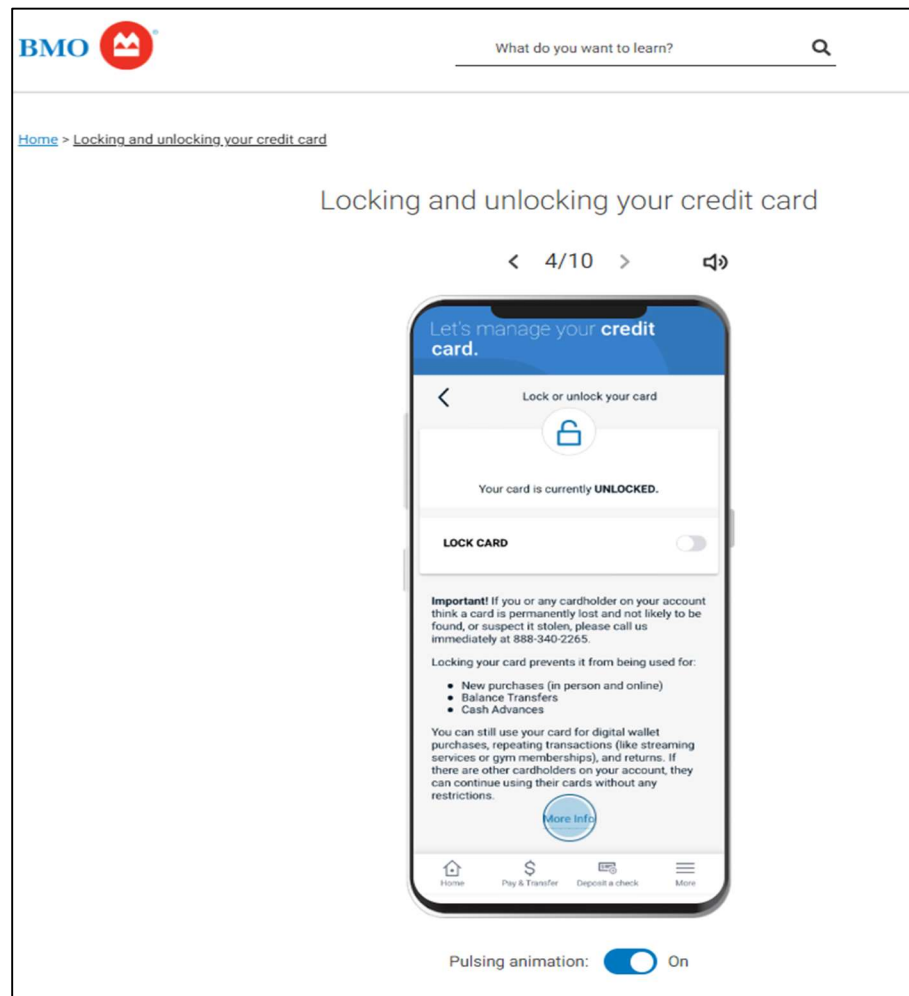
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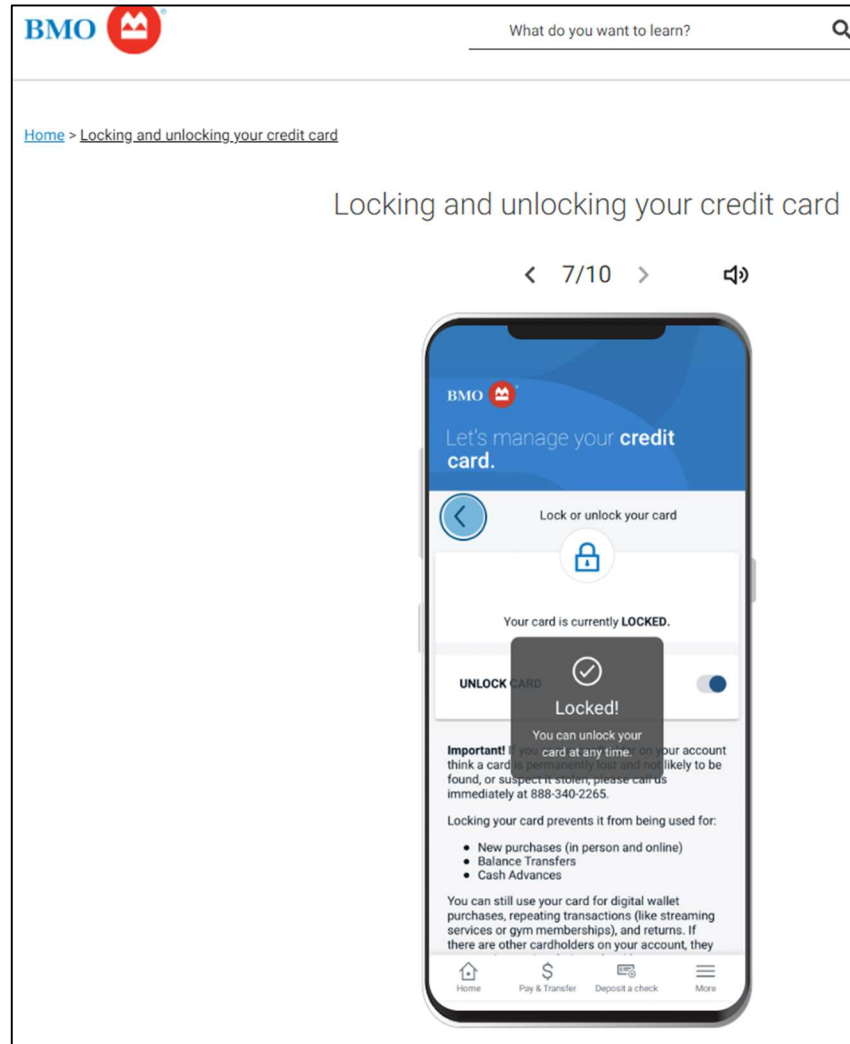


See <https://usdemos.bmo.com/en/course/start/locking-and-unlocking-your-credit-card/lock-or-unlock-your-credit-card-mobile/emulator>.



See <https://usdemos.bmo.com/en/course/start/locking-and-unlocking-your-credit-card/lock-or-unlock-your-credit-card-mobile/emulator?step=4>.

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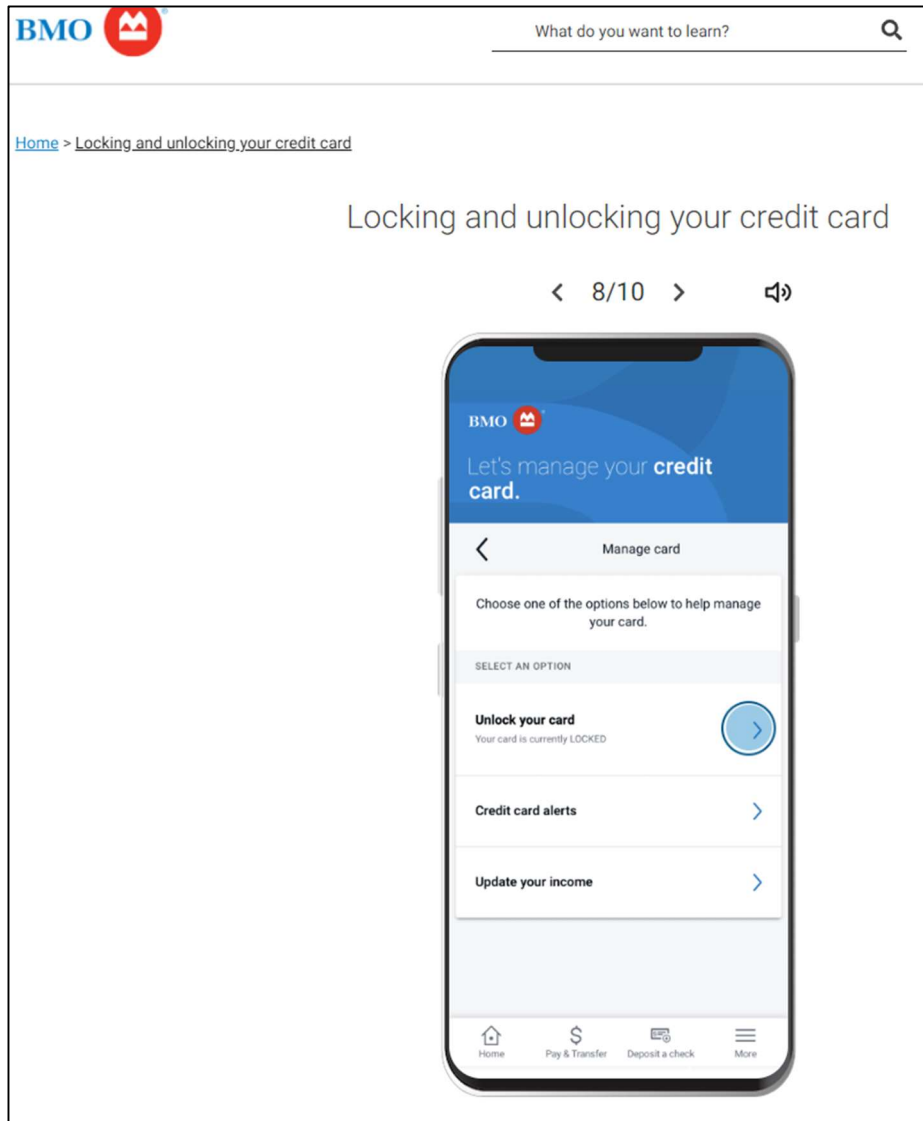


See <https://usdemos.bmo.com/en/course/start/locking-and-unlocking-your-credit-card/lock-or-unlock-your-credit-card-mobile/emulator?step=7>.

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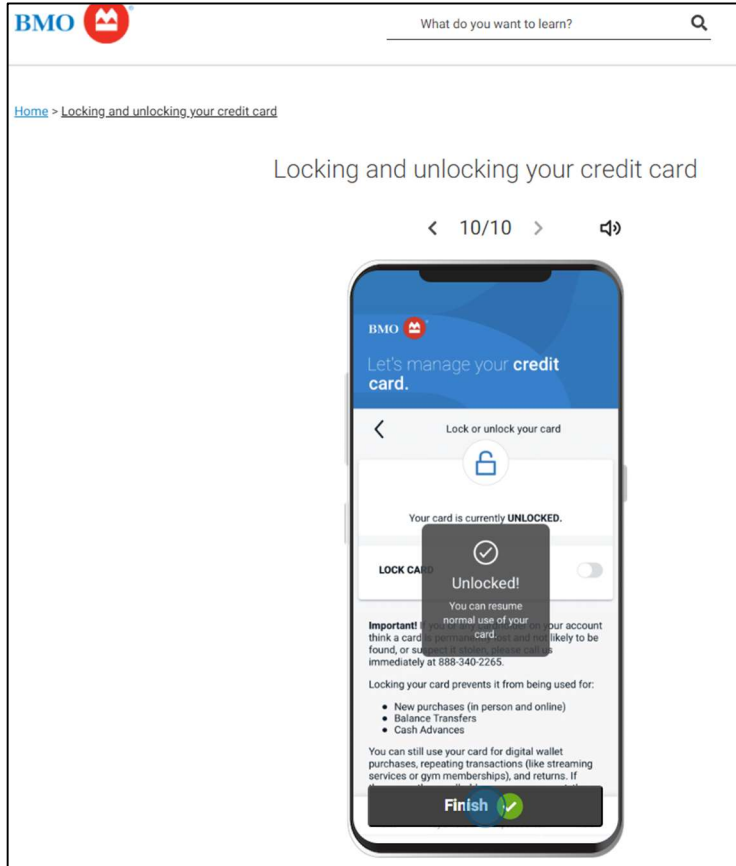


See <https://usdemos.bmo.com/en/course/start/locking-and-unlocking-your-credit-card/lock-or-unlock-your-credit-card-mobile/emulator?step=8>.

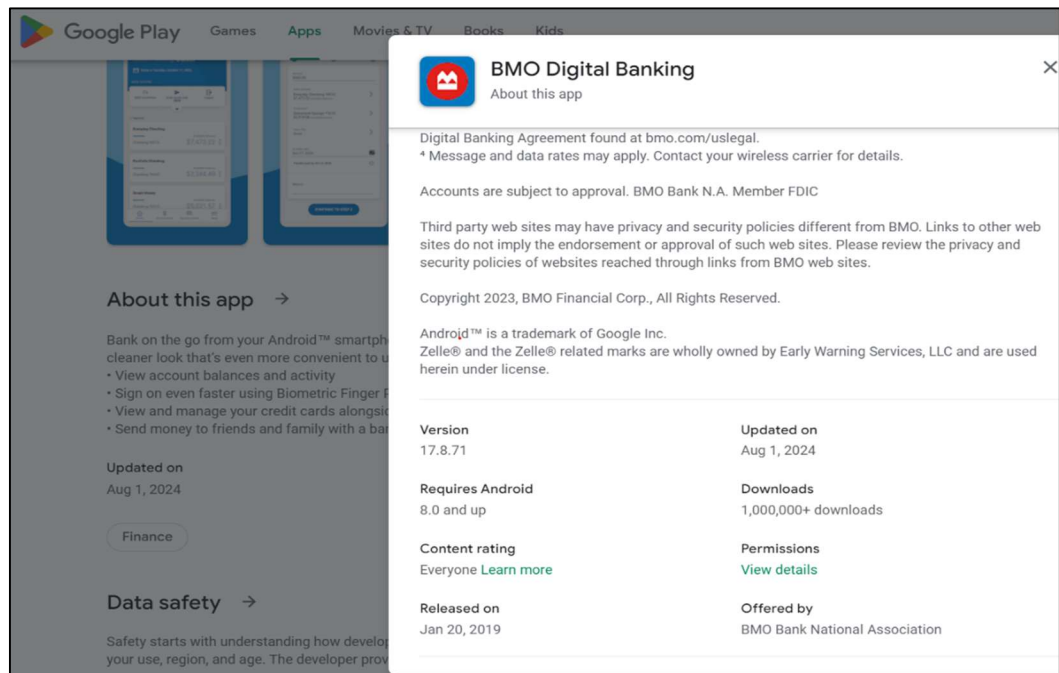
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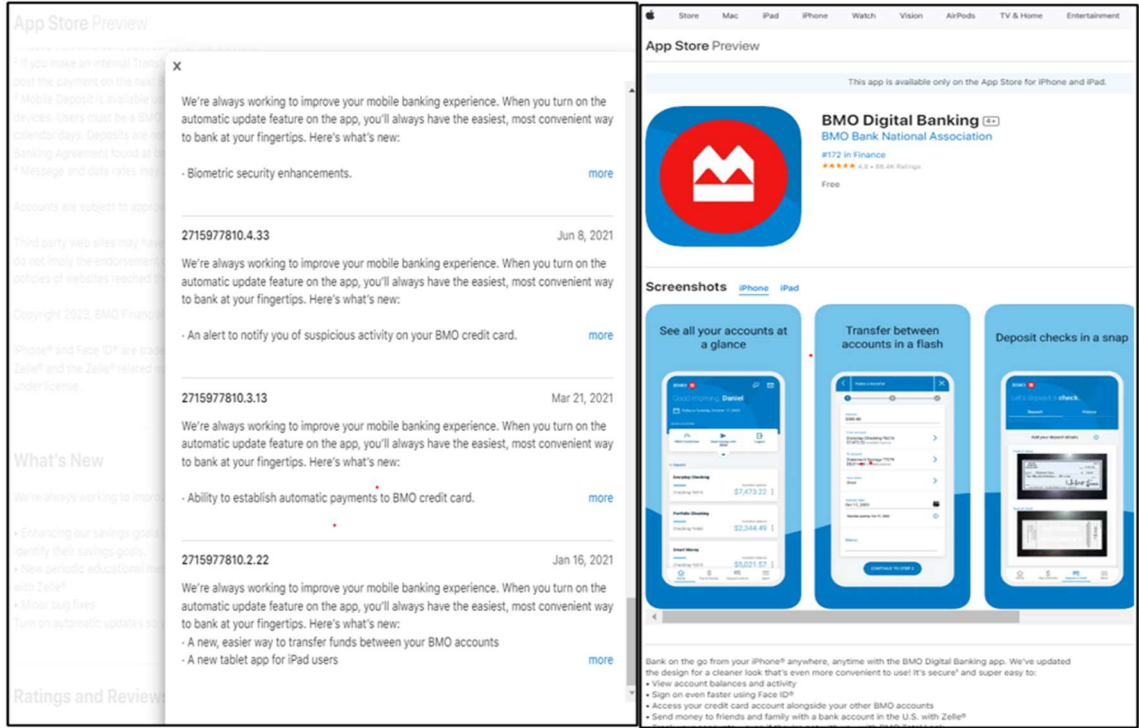


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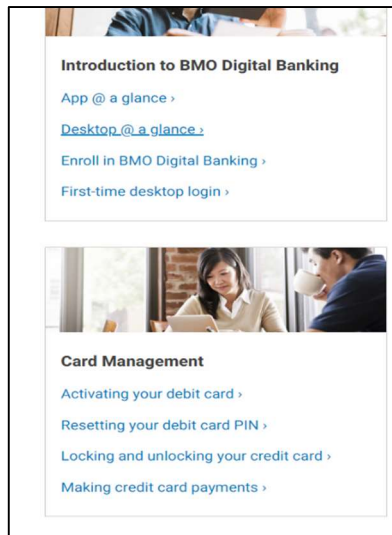
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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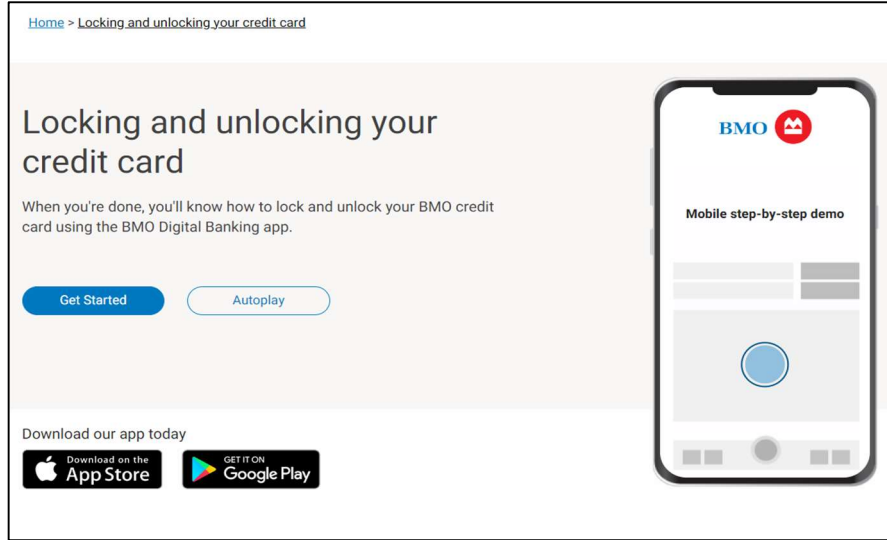
See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

83. On information and belief, when BMO Bank’s customers used one or more components of the BMO Bank Products and Services and BMO Bank System, they practiced a method of protecting a payment instrument used in transactions, comprising the step of blocking (e.g., “Lock” a debit card) the authorization for a payment instrument, on a default basis, by the issuing entity.

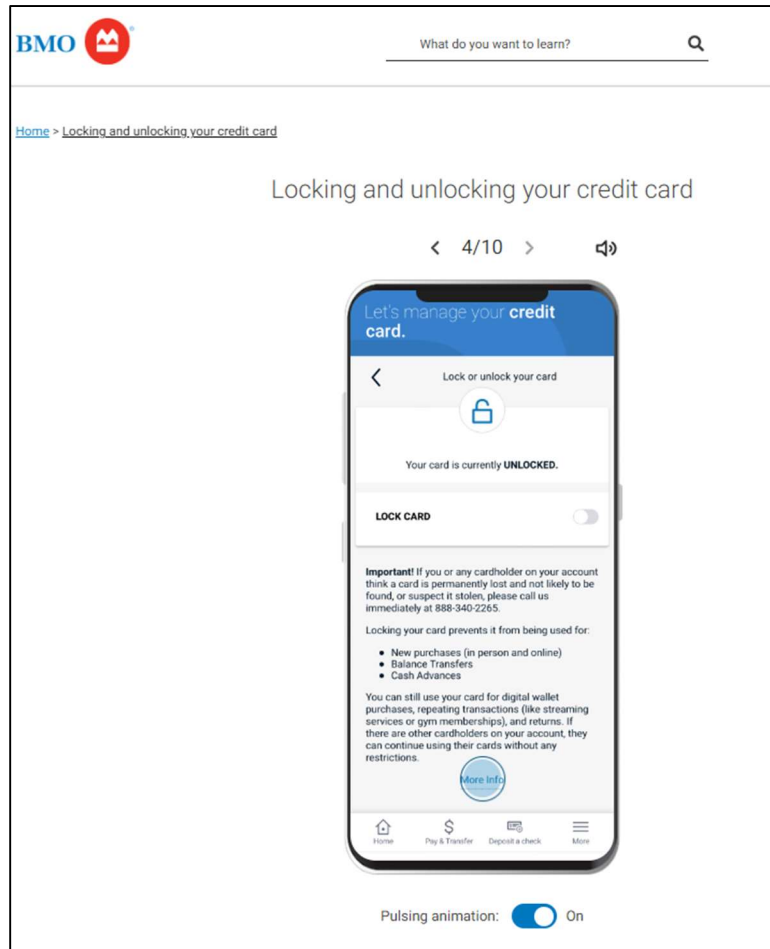


See, e.g., <https://usdemos.bmo.com/en/home>.

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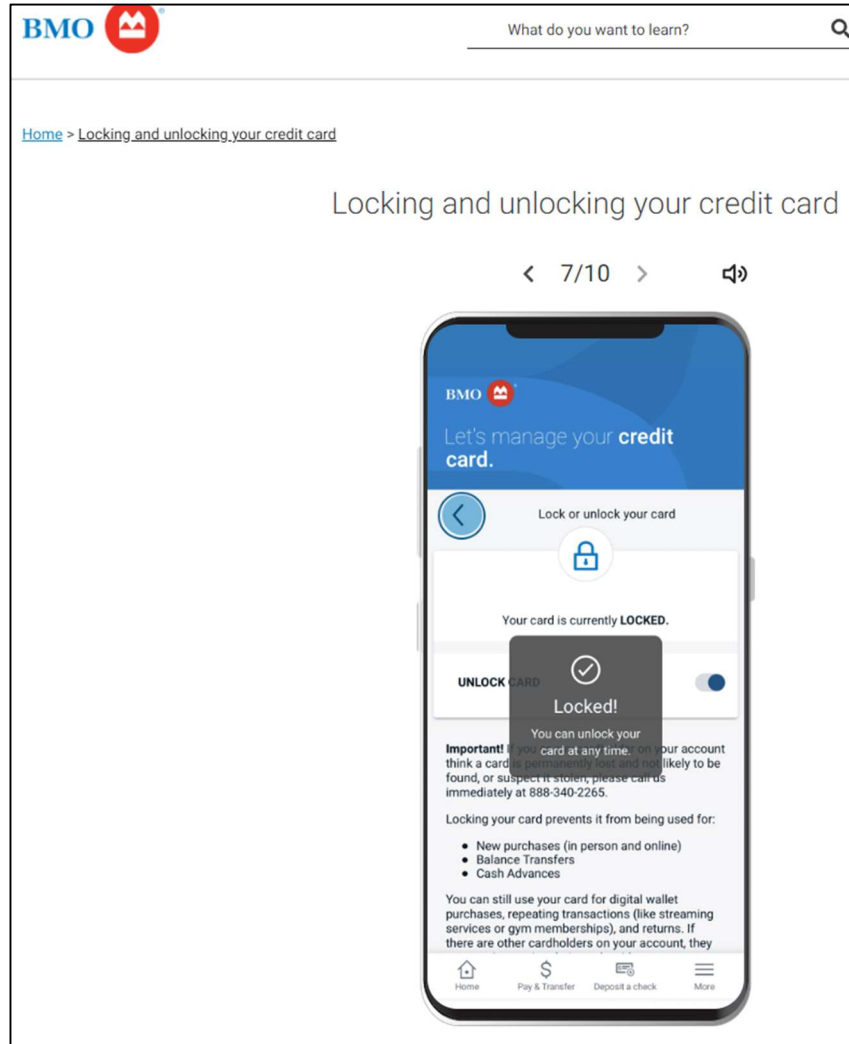


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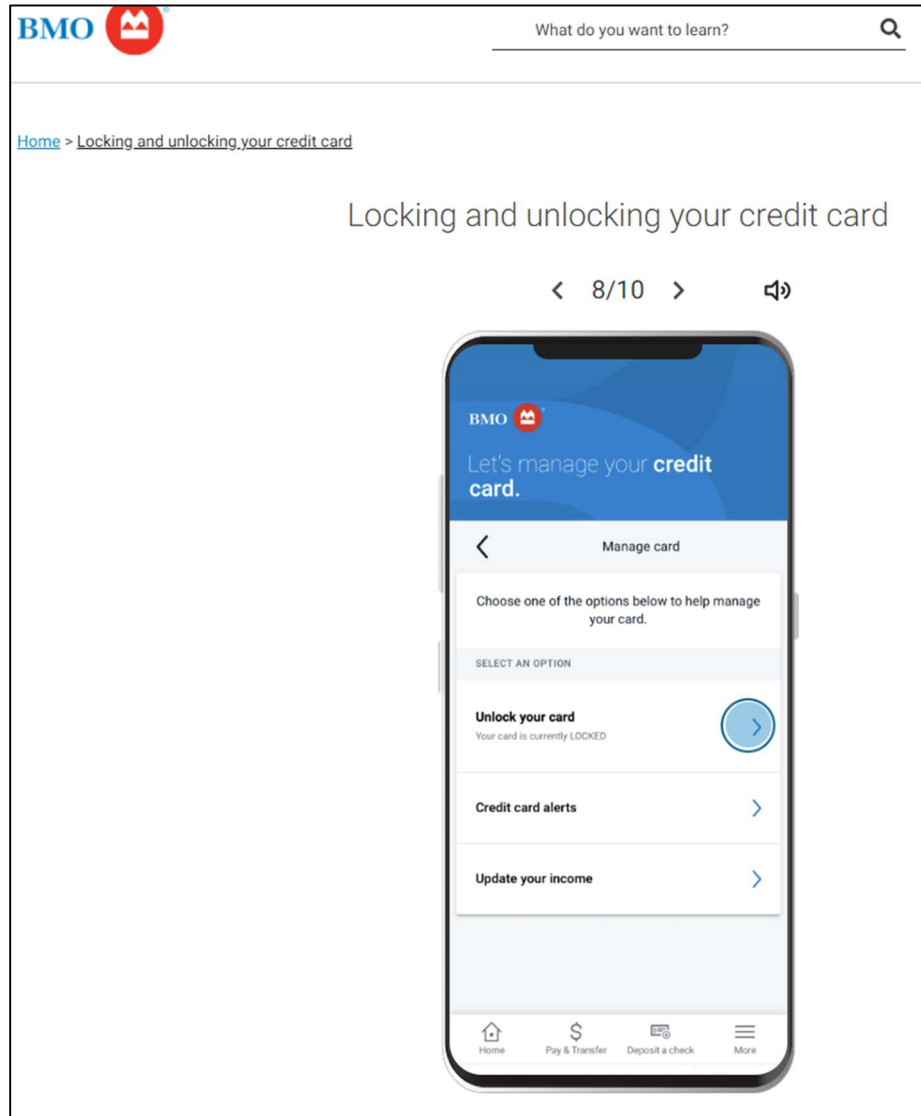


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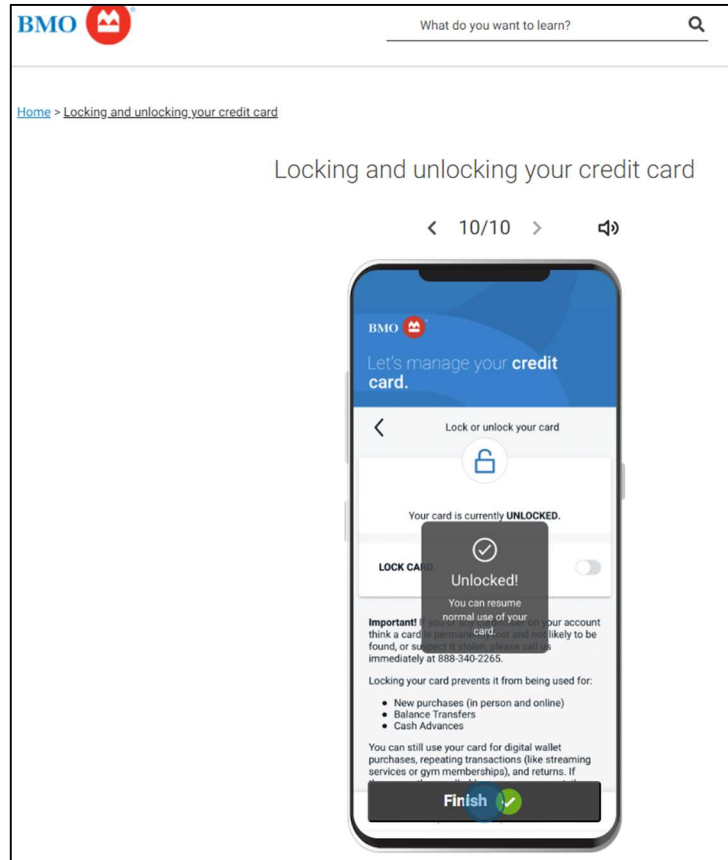
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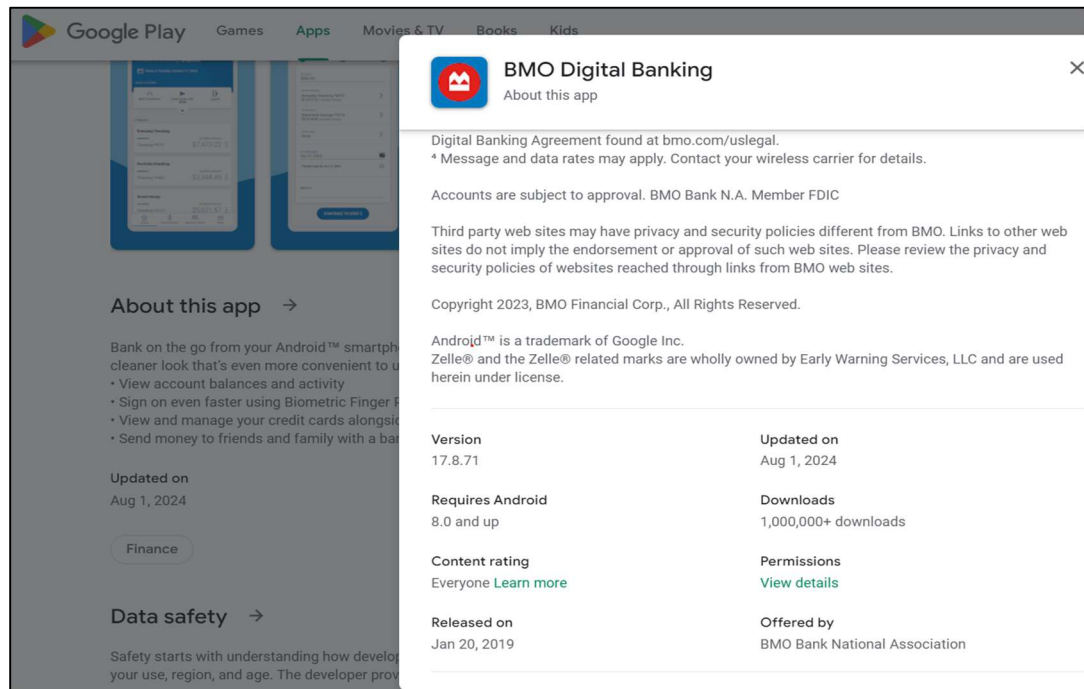


See <https://usdemos.bmo.com/en/course/start/locking-and-unlocking-your-credit-card/lock-or-unlock-your-credit-card-mobile/emulator?step=8>.

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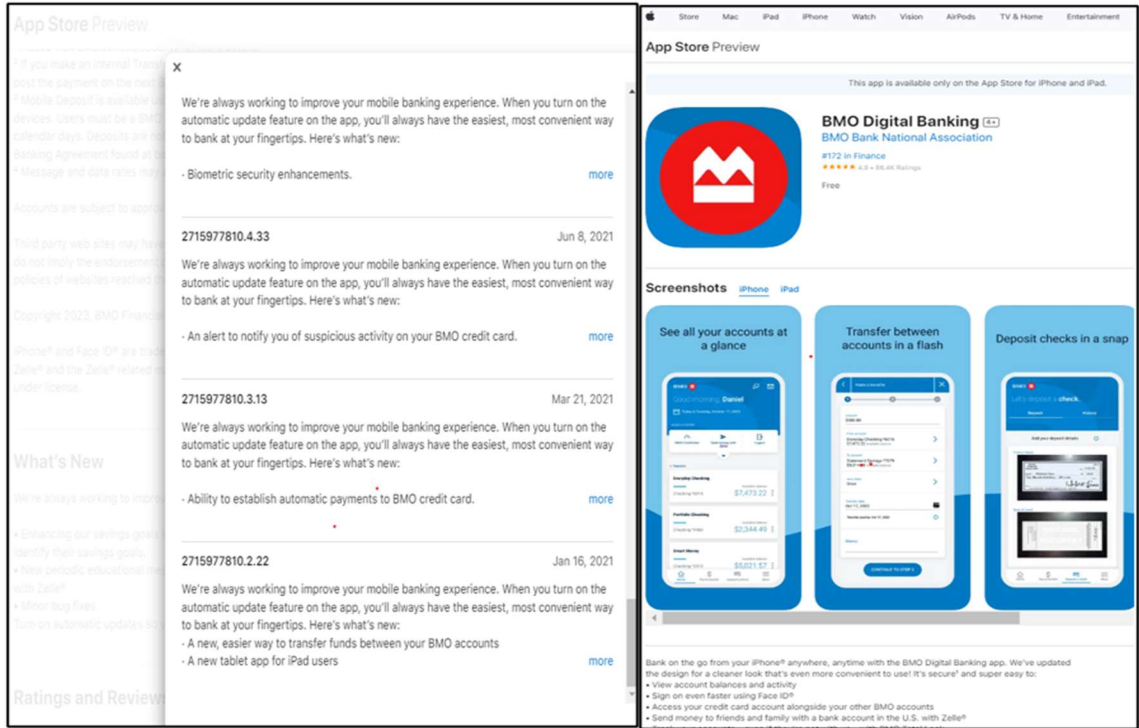


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See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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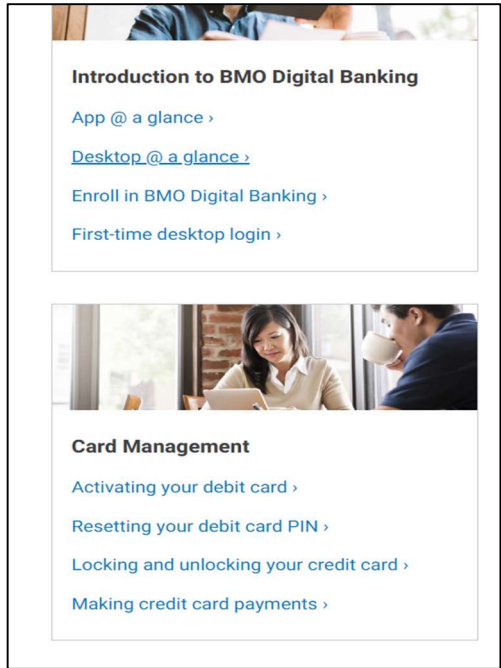
See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

84. On information and belief, when BMO Bank’s customers used one or more components of the BMO Bank Products and Services and BMO Bank System, they practiced a method of protecting a payment instrument used in transactions, comprising the step of communicating by the authorized instrument holder, prior to a transaction or multiple transactions, with an authentication function to subject the authorized instrument holder to authentication and to request that the payment instrument be unblocked (*i.e.*, “Unlock”) the previously locked debit card) for future payment authorizations.

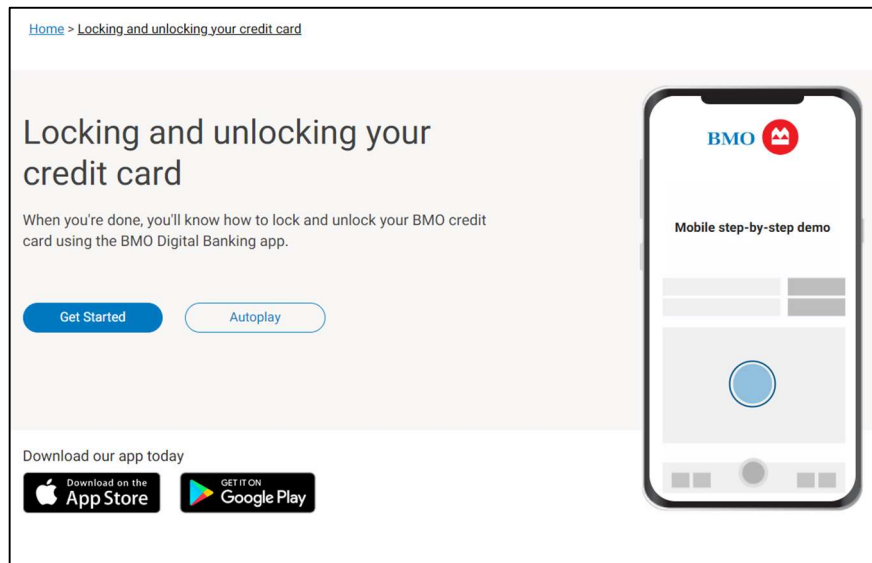
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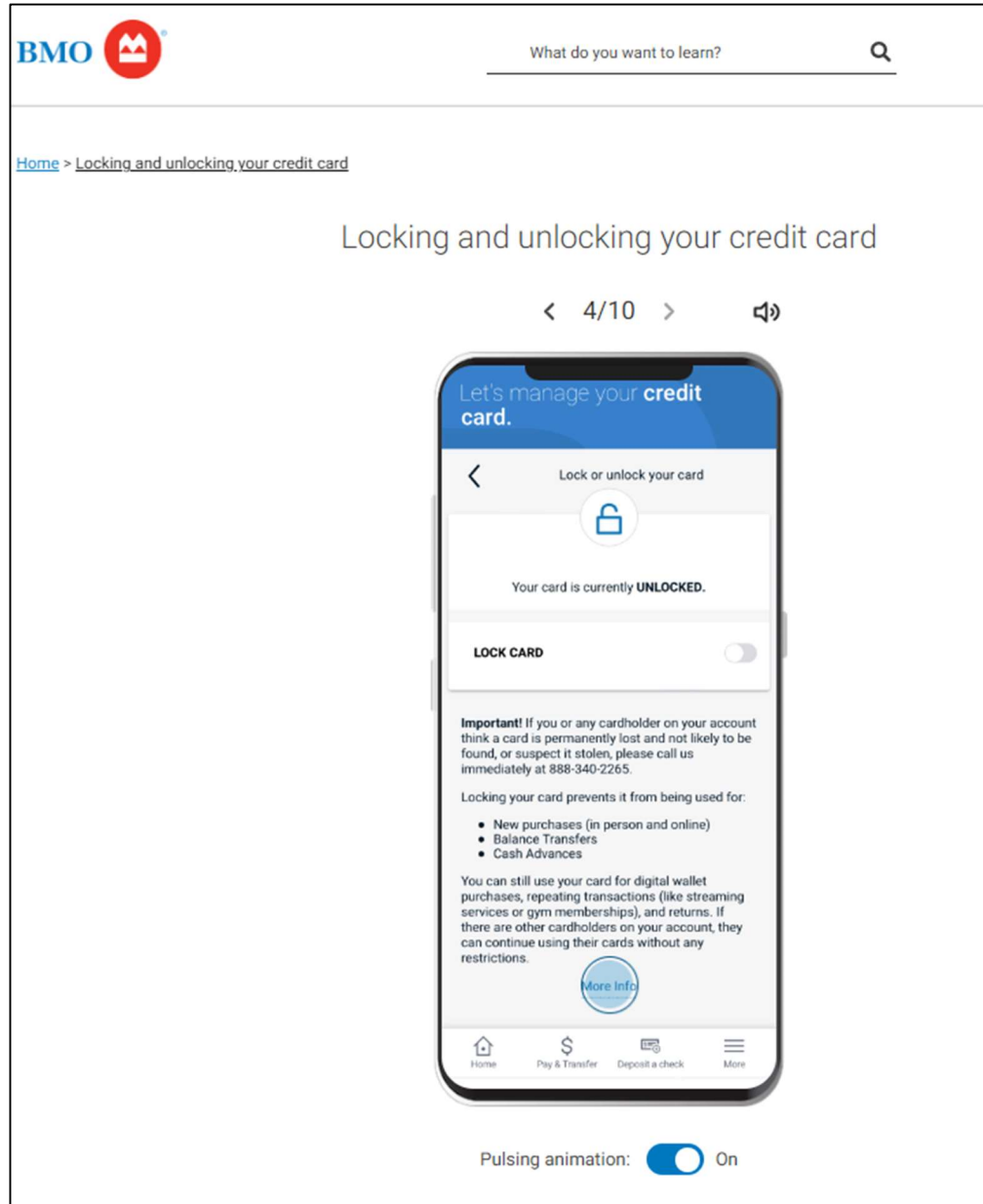
See e.g., <https://usdemos.bmo.com/en/home>.



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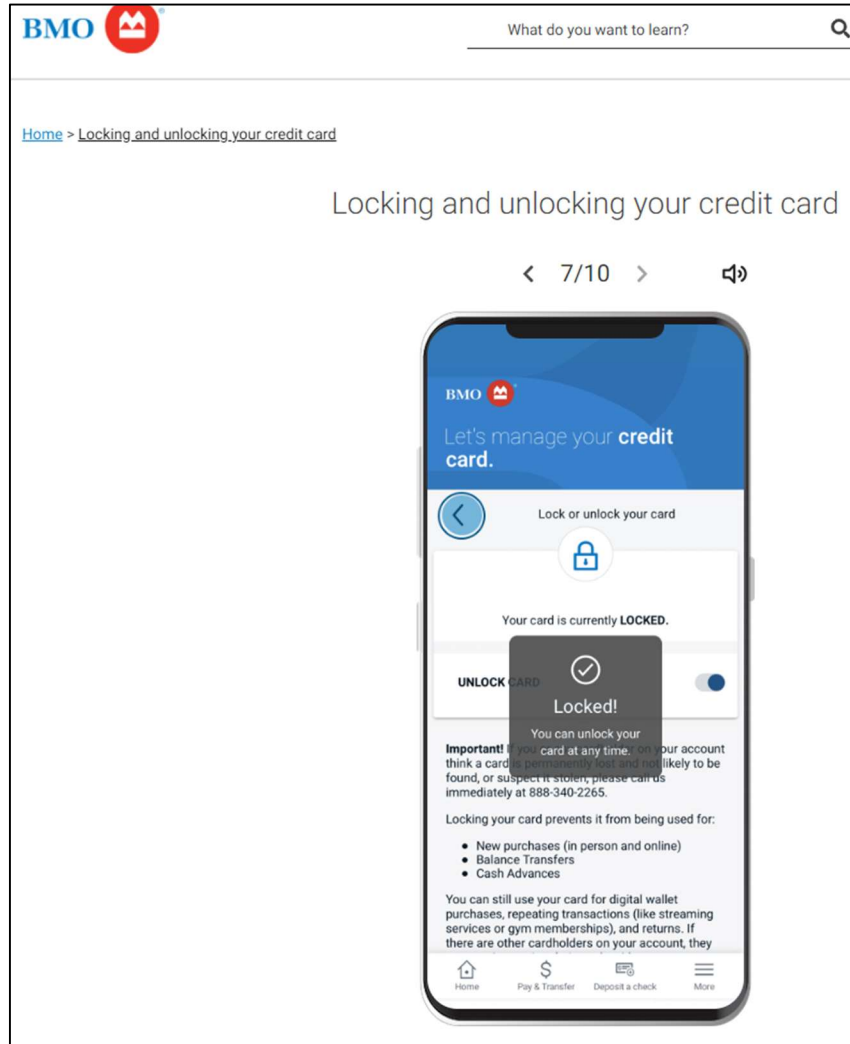


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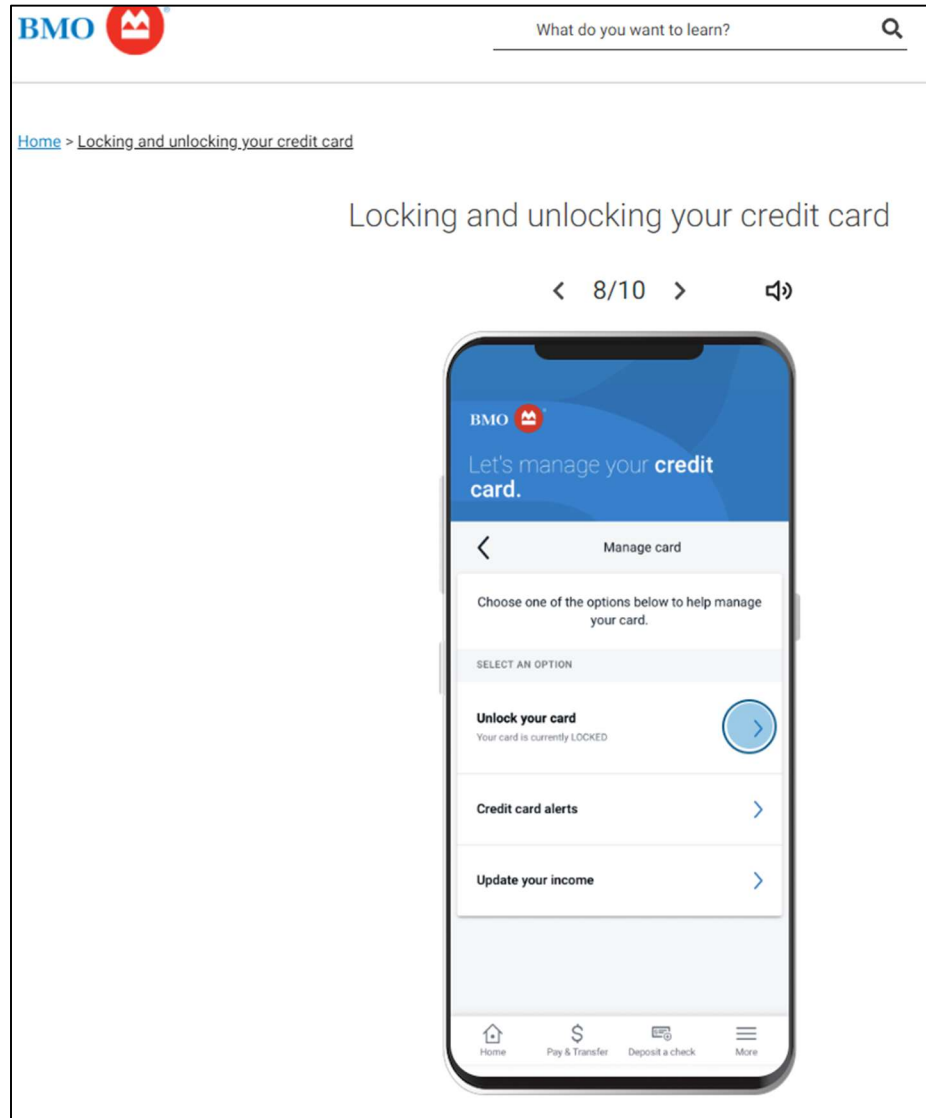


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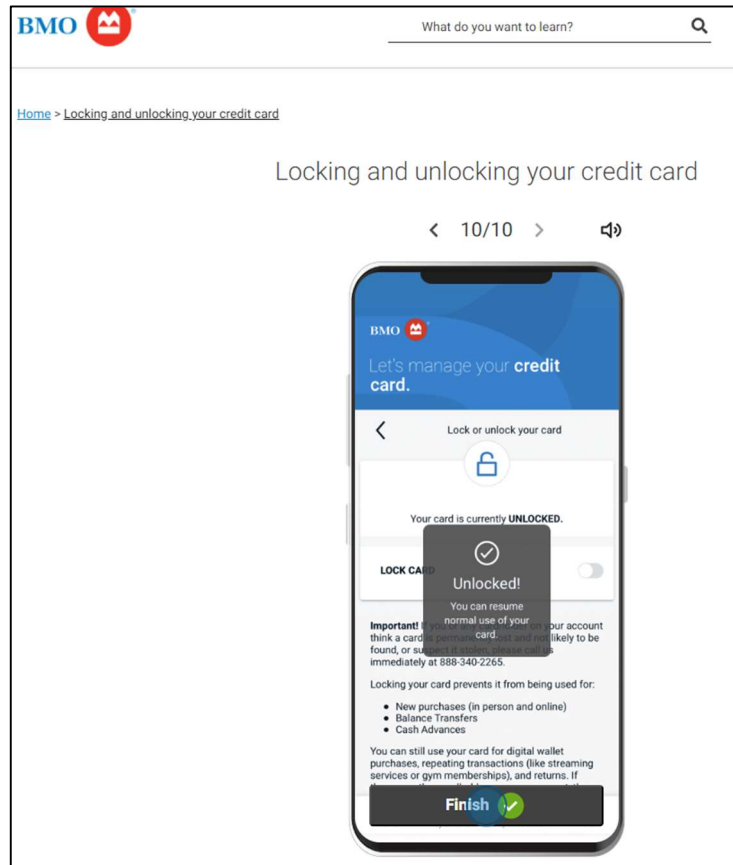


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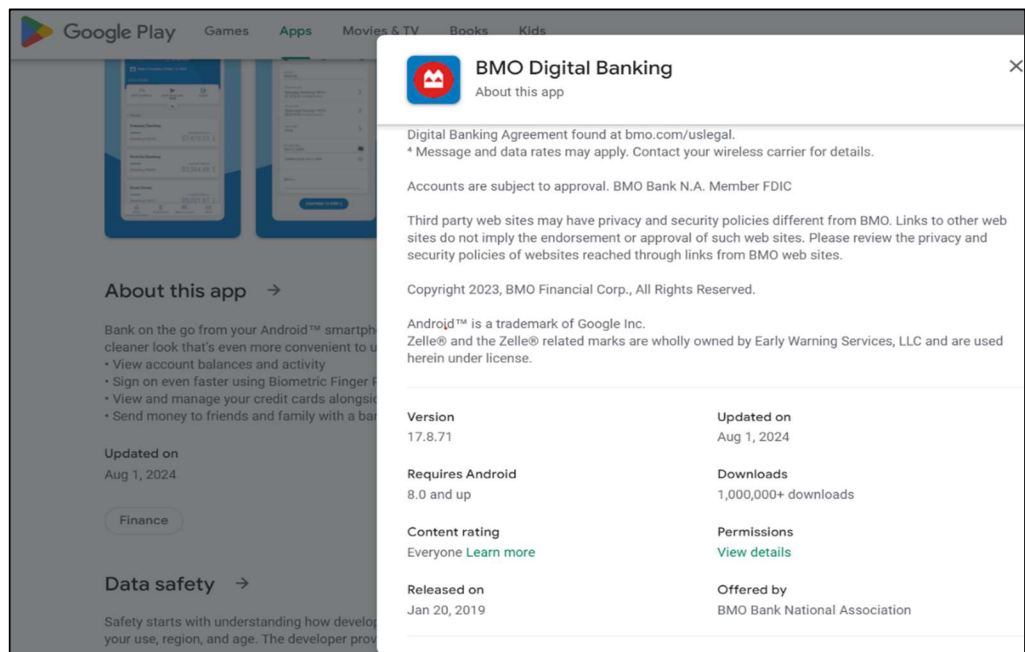
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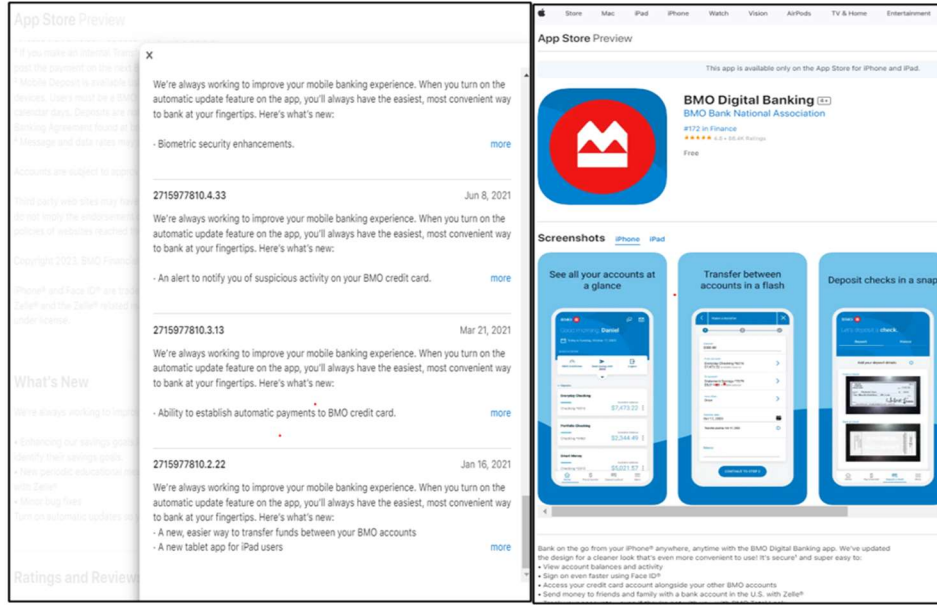


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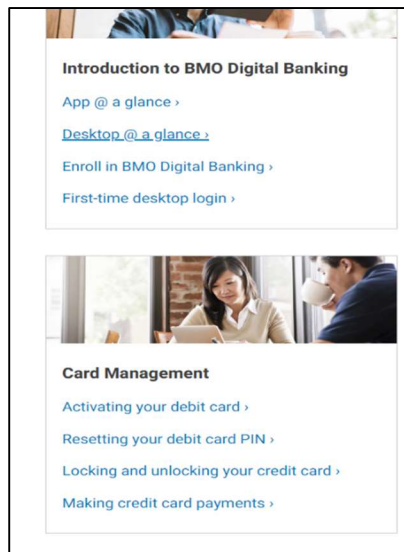
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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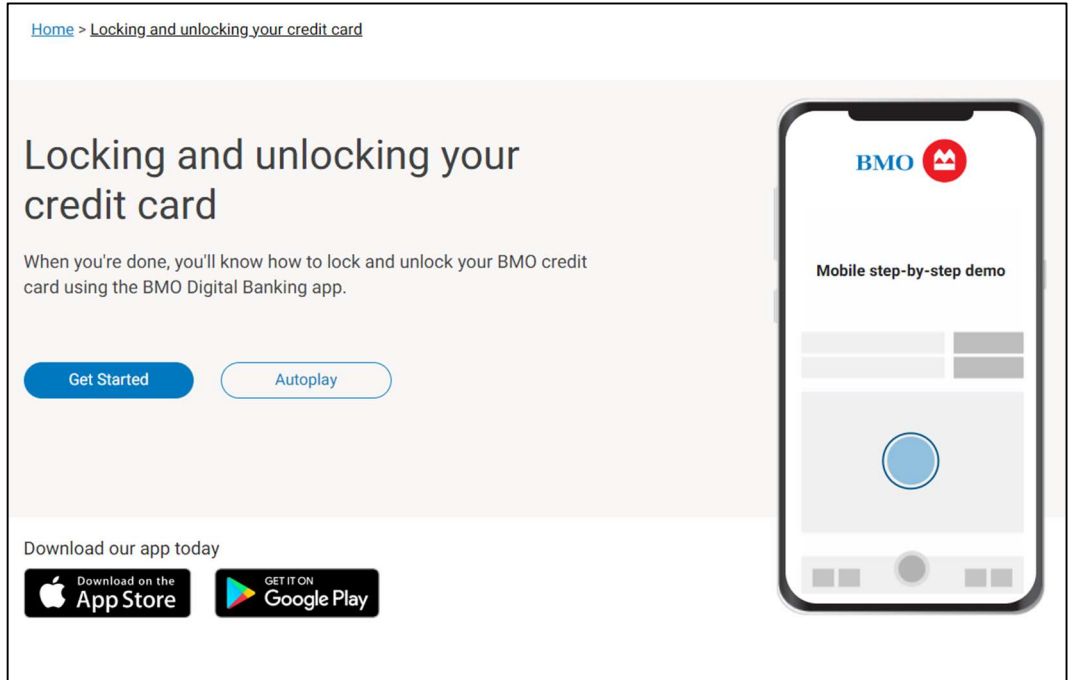
See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

85. On information and belief, when BMO Bank’s customers used one or more components of the BMO Bank Products and Services and BMO Bank System, they practiced a method of protecting a payment instrument used in transactions, comprising the step of authenticating the authorized instrument holder, and if the authentication result is positive, causing the issuing entity to store the request to unblock the payment instrument for the authorization of payments for the transactions.



See, e.g., <https://usdemos.bmo.com/en/home>.

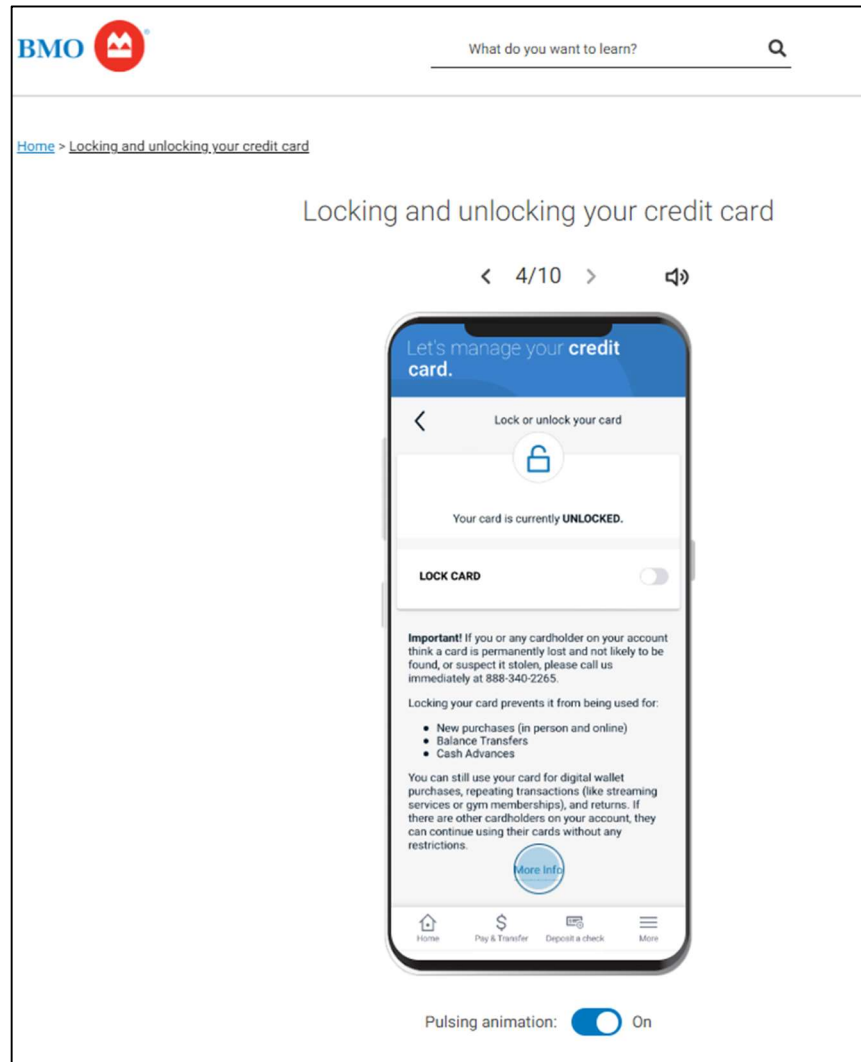
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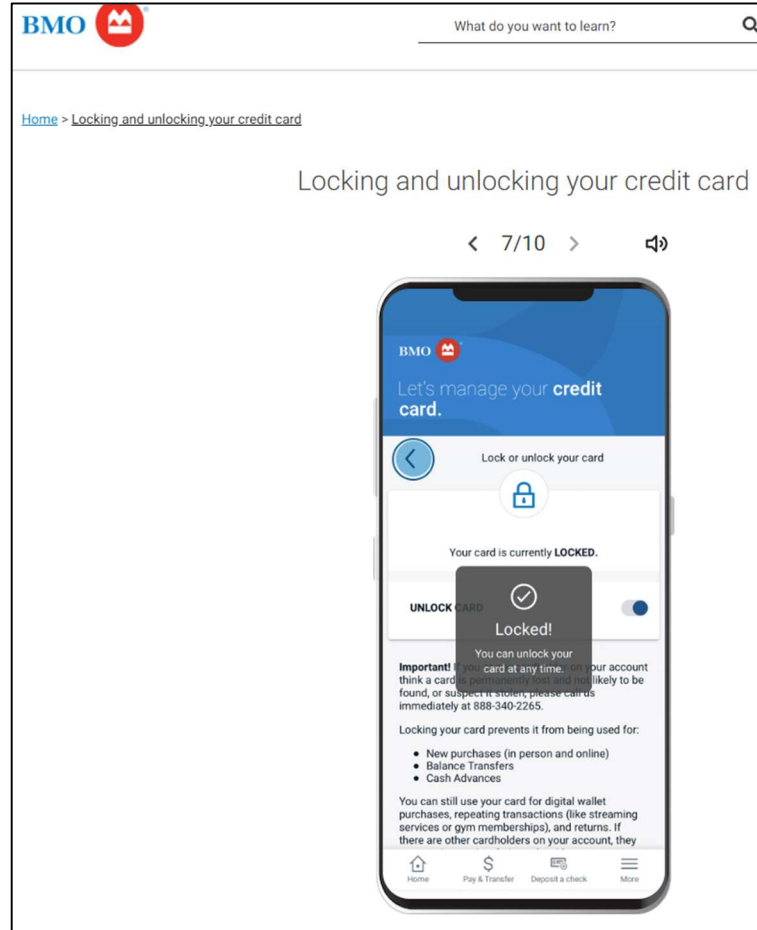
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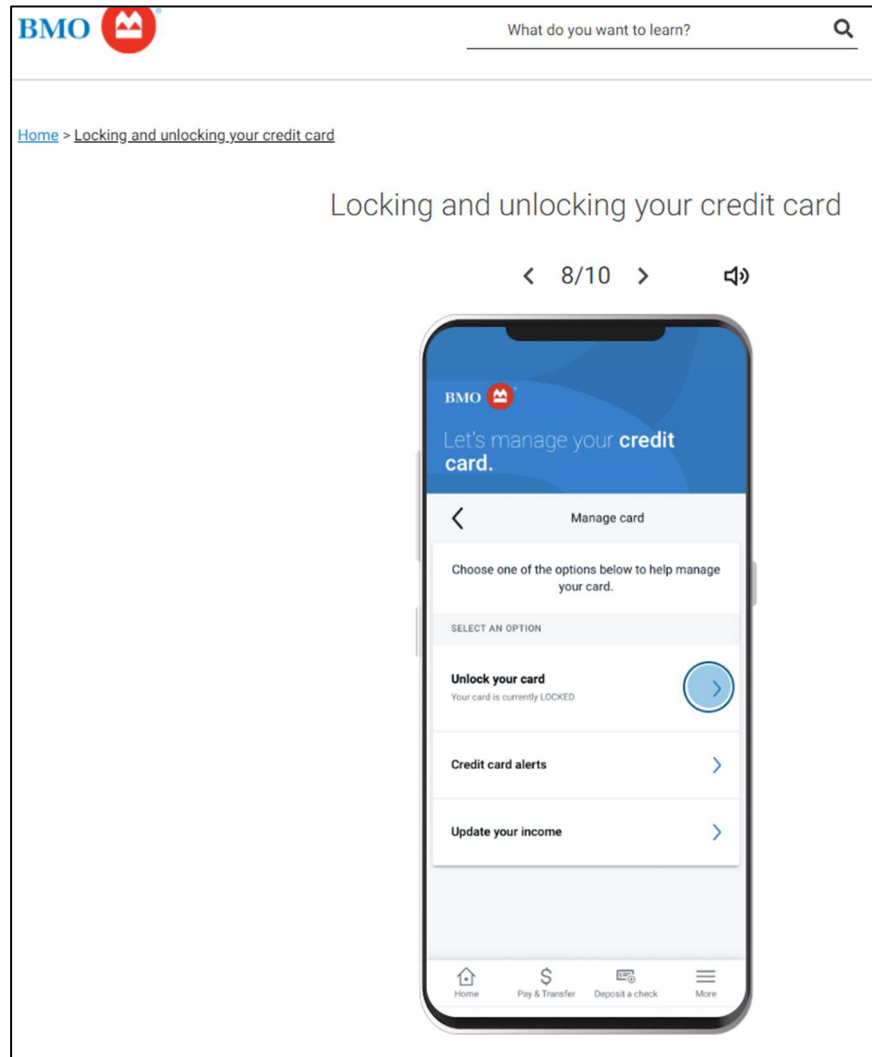
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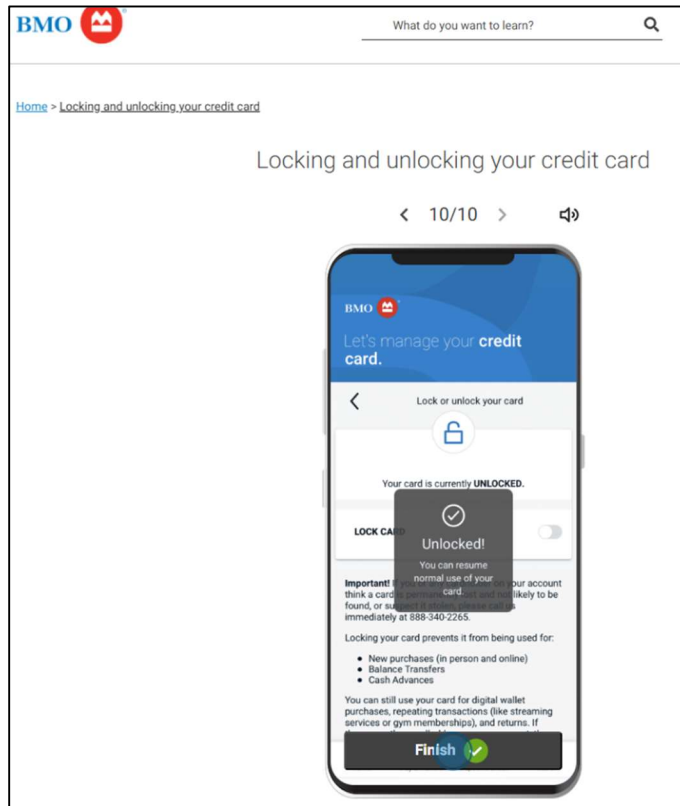


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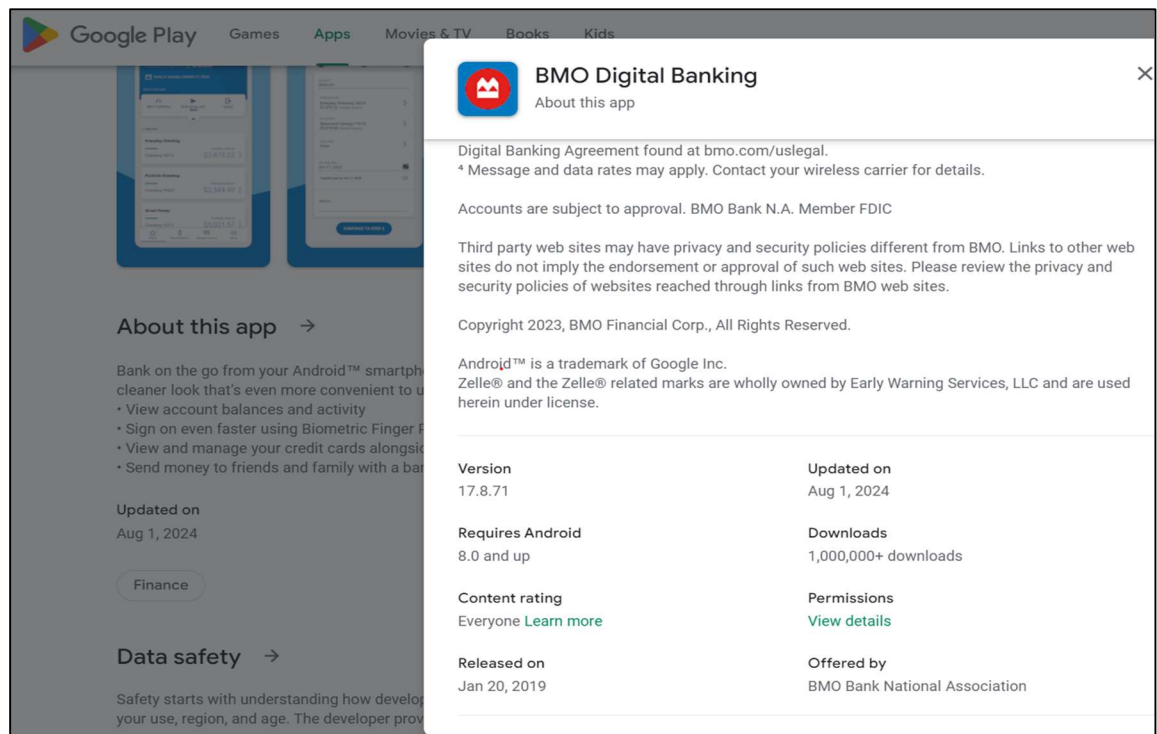
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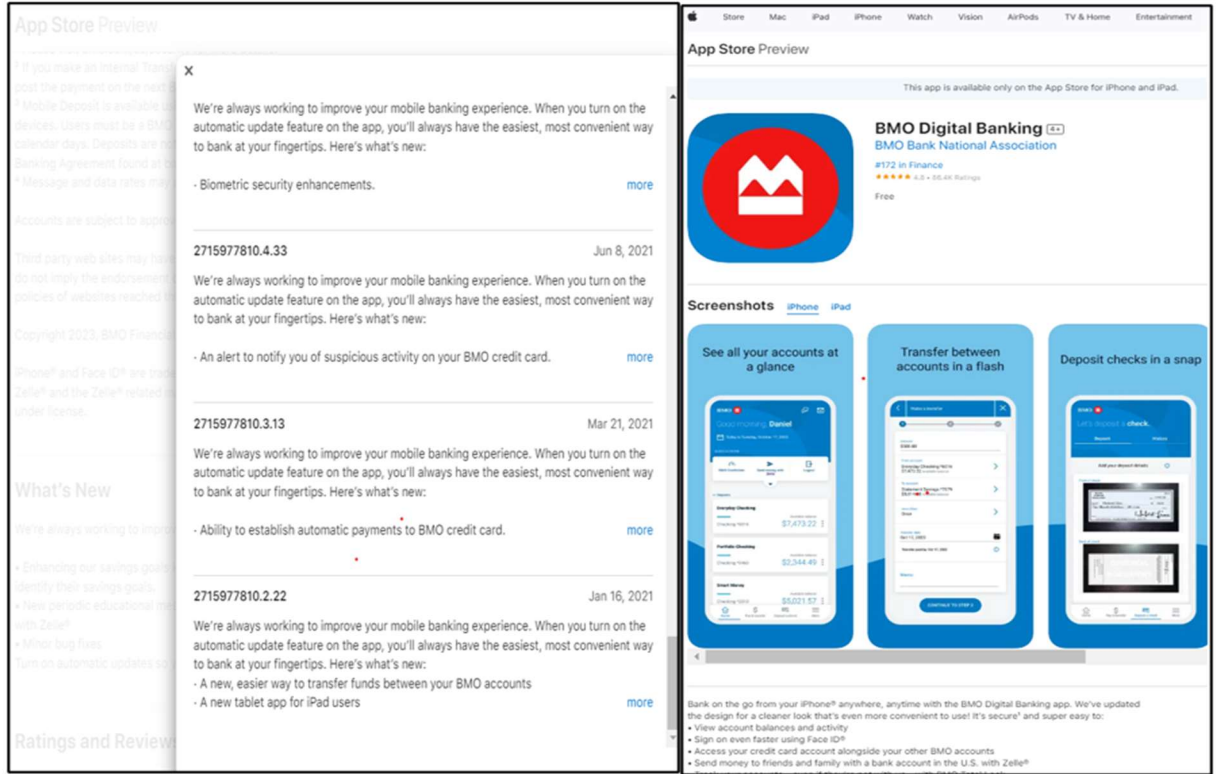


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See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

86. On information and belief, at least since its receipt of the May 2020 Letter on or about May 18, 2020, and its knowledge of the '382 patent BMO Bank knowingly encouraged, customers to directly infringe one or more claims of the '382 patent, including but not limited to claims 6 and 8, including by BMO actions that include, without limitation, specifically instructing and actively encouraging customers to use the BMO Products and Services and BMO System through its advertisements, promotional materials, and user instructions.

87. On information and belief, BMO Bank's advertisements, promotional materials and user instructions, instructed and actively encouraged BMO's customers to practice each and every element of, at least, the methods of claims 6 and 8 of the '382 patent.

88. On information and belief, at least since its 2020 receipt of the May 2020 Letter, BMO knew that the acts BMO induced customers to take constituted

1 direct patent infringement and BMO's encouraging acts resulted in direct
2 infringement by its customers.

3 89. On information and belief, BMO instructed its customers to use the
4 BMO Products and Services and BMO System, without limitation, through BMO
5 Bank's website, which provided access to, and supported use of BMO Products and
6 Services and BMO System.

7 90. On information and belief, BMO Bank's customers directly infringed
8 at least claims 6 and 8 of the '382 patent through their use of the BMO Bank
9 Products and Services and the BMO Bank System.

10 91. On information and belief, BMO Bank violated 35 U.S.C. § 271(b) and
11 has indirectly infringed at least claims 6 and 8 of the '382 patent by knowingly and
12 specifically having intended to induce infringement by others (including, without
13 limitation, BMO's customers) and possessed specific intent to encourage
14 infringement by BMO's customers. The BMO Products and Services and BMO
15 System were specifically configured to function in accordance with the '382 patent
16 claims, were material parts of the invention, and did not have substantial non-
17 infringing uses.

18 92. Kioba has been damaged by the indirect infringement of BMO Bank
19 and has suffered irreparable harm and damages as a result of this infringement.

20 CLAIM THREE

21 Infringement of U.S. Patent No. 7,107,078

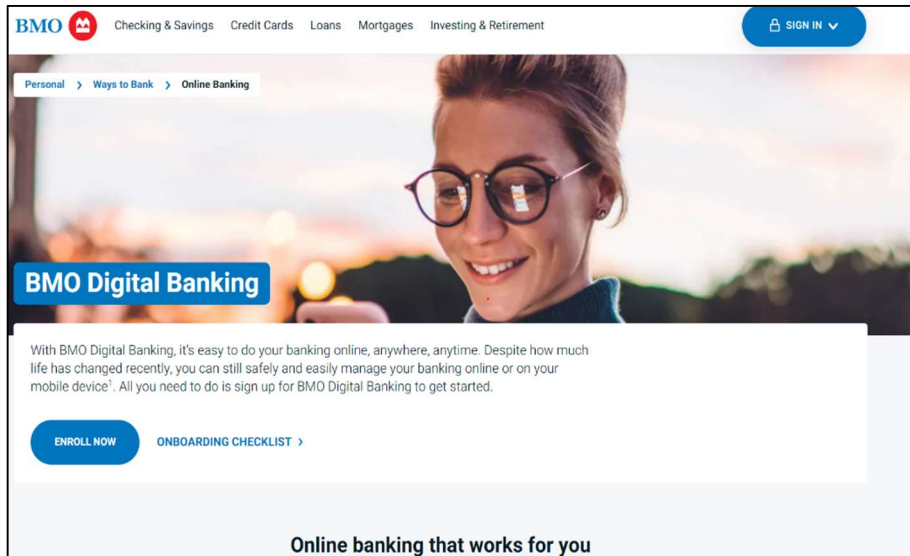
22 93. All prior paragraphs are incorporated into this claim.

23 94. On information and belief, BMO Bank has violated 35 U.S. C. § 271(a)
24 and (b) with respect to one or more claims of the '078 patent.

25 95. On information and belief, BMO Bank (or those acting on its behalf)
26 (i) made, used, sold, imported and/or offered to sell the BMO Bank Products and
27 Services; (ii) made, used, sold, sold access to, imported, offered to sell and/or
28 offered to sell access to the BMO Bank System; and, (iii) induced its customers to

1 use the BMO Bank Products and Services and the BMO Bank System, in the United
2 States that infringe (literally and/or under the doctrine of equivalents) at least claim
3 1 of the '078 patent.

4 96. On information and belief, one or more components of the BMO Bank
5 Products and Services and BMO Bank System employed and provided a method for
6 effecting user payment for a purchase by means of a mobile station of the user, (*e.g.*,
7 a laptop, tablet, smartphone, or a PC, etc.) in a telecommunication system that
8 includes a telephone network to which the mobile station is connected via a wireless
9 communication link, a network application connected to the telephone network and
10 a mobile station application.



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20 See *e.g.*, [https://www.bmo.com/en-us/main/personal/ways-to-bank/online-](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1)
21 [banking/#tab-1](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1).

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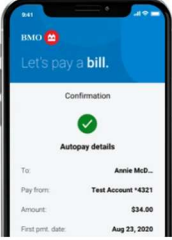
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We designed our features with you in mind

Pay your bills Manage your accounts Go paperless Move your money Bank on your smartphone



Confirmation
Autopay details



To: Annie M.D.
Pay from: Test Account *4321
Amount: \$34.00
First pmt. date: Aug 23, 2020


Stay on top of payments by paying your bills online. It's fast, simple and secure.

- **Set up automatic payments** and let us help you manage your deadlines
- **Schedule payments in advance**, so you never miss a due date
- **Analyze your spending habits** with our simple account statements and money management tools

[PLAY DEMO](#) [GO TO ALL DEMOS >](#)

Want even more convenience?
Download the BMO Digital Banking App and sign in.

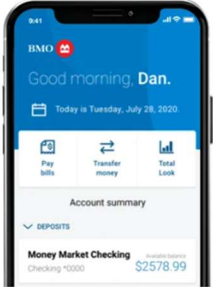





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We designed our features with you in mind

Pay your bills **Manage your accounts** Go paperless Move your money Bank on your smartphone



Good morning, Dan.
Today is Tuesday, July 28, 2020.

Pay bills Transfer money Total Look

Account summary

DEPOSITS



Money Market Checking Available Balance \$2578.99


Managing your money doesn't need to be complicated. Simplify your banking with **BMO Total Look**, an all-in-one money management tool.

- Manage **all your accounts in one secure location** – even if they're not with us
- Create a **personalized budget in minutes** to stay on top of your financial goals
- **Track your spending** and categorize transactions automatically, so you know exactly where your money goes
- Use **BMO Savings Goals** to set up, track and reach financial milestones

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Download the BMO Digital Banking App and sign in.

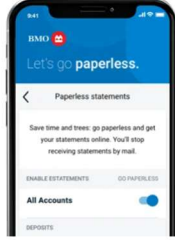


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2>.

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We designed our features with you in mind

Pay your bills Manage your accounts **Go paperless** Move your money Bank on your smartphone






Save time by making the switch to paperless statements.

- Access your bank statements online in one central location, any time you like
- Update your account preferences online to switch to paperless statements
- Switch all of your accounts to paperless statements, or choose specific accounts

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Want even more convenience?
Download the BMO Digital Banking App and sign in.

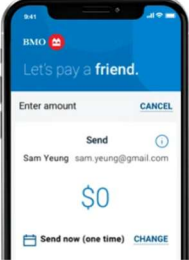





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

We designed our features with you in mind

Pay your bills Manage your accounts Go paperless **Move your money** Bank on your smartphone






We offer more ways than ever to send and receive money, with no need for an ATM visit.

- Send, request and receive money from friends and family with Zelle®⁴ a fast way to send money – all with no user fees from us
- Move money between your BMO accounts quickly and easily with internal transfers⁵
- Transfer money to and from external accounts for free with External Transfers
- Skip the trip to the bank and deposit checks directly from your smartphone with Mobile Deposit⁶
- Save on interest and pay off credit cards quickly with a credit card balance transfer.

PLAY DEMO GO TO ALL DEMOS >

Want even more convenience?
Download the BMO Digital Banking App and sign in.

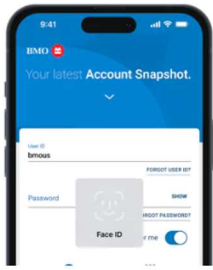


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-4>.

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We designed our features with you in mind

Pay your bills Manage your accounts Go paperless Move your money **Bank on your smartphone**





The BMO Digital Banking app puts control of your money in the palm of your hand¹.


- **Quickly and securely access your account** with Touch ID[®] and Face ID[®]
- With **Mobile Deposit**⁶, skip the branch or ATM. Deposit checks just by taking a picture of them
- **Get immediate access to the funds from an eligible check** with FundsNow, a feature on the BMO Digital Banking app
- **Make payments** by adding a BMO credit or debit card to Apple Pay, Android Pay or Samsung Pay
- **Manage your mobile alerts** to choose what account activity you'd like to be notified about
- **Get no-fee, no-impact access to your credit score** anytime with **BMO CreditView**, available on mobile and desktop devices

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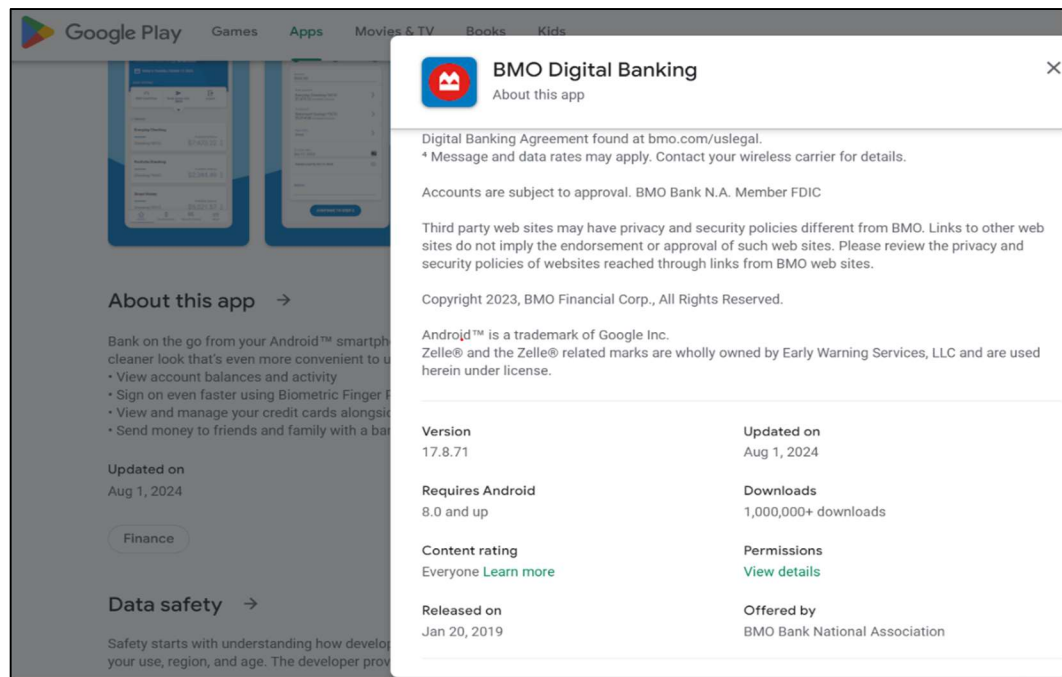
Want even more convenience?

Download the BMO Digital Banking App and sign in.



See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



BMO Digital Banking
About this app

Digital Banking Agreement found at [bmo.com/us/legal](https://www.bmo.com/us/legal).
* Message and data rates may apply. Contact your wireless carrier for details.

Accounts are subject to approval. BMO Bank N.A. Member FDIC

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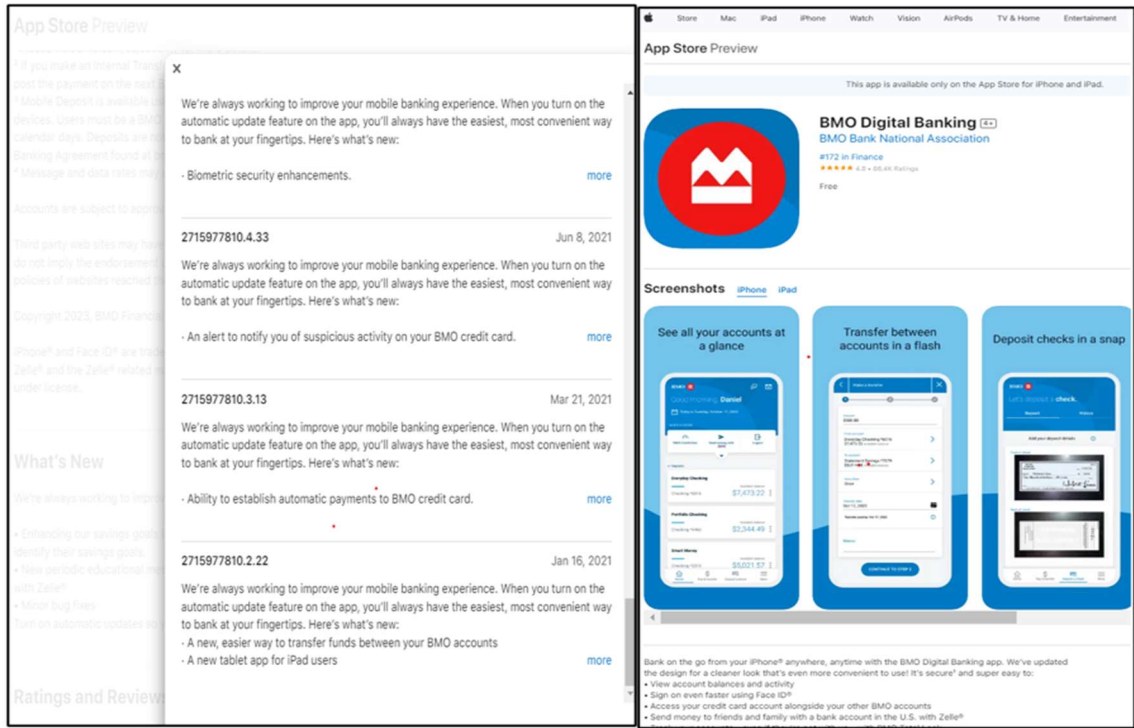
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Version 17.8.71	Updated on Aug 1, 2024
Requires Android 8.0 and up	Downloads 1,000,000+ downloads
Content rating Everyone Learn more	Permissions View details
Released on Jan 20, 2019	Offered by BMO Bank National Association

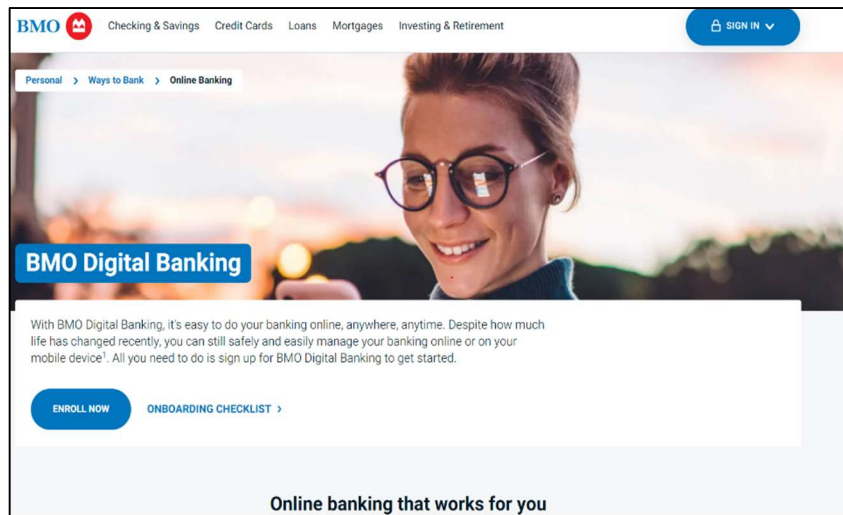
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

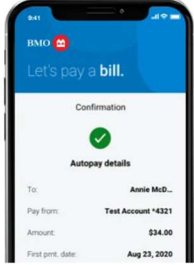
97. On information and belief, one or more components of the BMO Bank Products and Services and BMO Bank System employed and provided a method for effecting user payment for a purchase by means of a mobile station of the user, (e.g., a laptop, tablet, smartphone, or a PC, etc.) in a telecommunication system that includes a telephone network to which the mobile station is connected via a wireless communication link, a network application connected to the telephone network and a mobile station application.



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 [Manage your accounts](#)
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Stay on top of payments by paying your bills online. It's fast, simple and secure.


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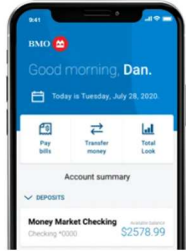





See e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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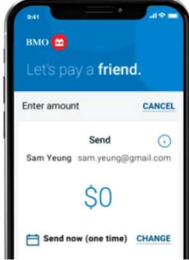





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

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The BMO Digital Banking app puts control of your money in the palm of your hand¹.


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- With **Mobile Deposit[®]**, skip the branch or ATM. Deposit checks just by taking a picture of them
- **Get immediate access to the funds from an eligible check** with FundsNow, a feature on the BMO Digital Banking app
- **Make payments** by adding a BMO credit or debit card to Apple Pay, Android Pay or Samsung Pay
- **Manage your mobile alerts** to choose what account activity you'd like to be notified about
- **Get no-fee, no-impact access to your credit score** anytime with **BMO CreditView**, available on mobile and desktop devices

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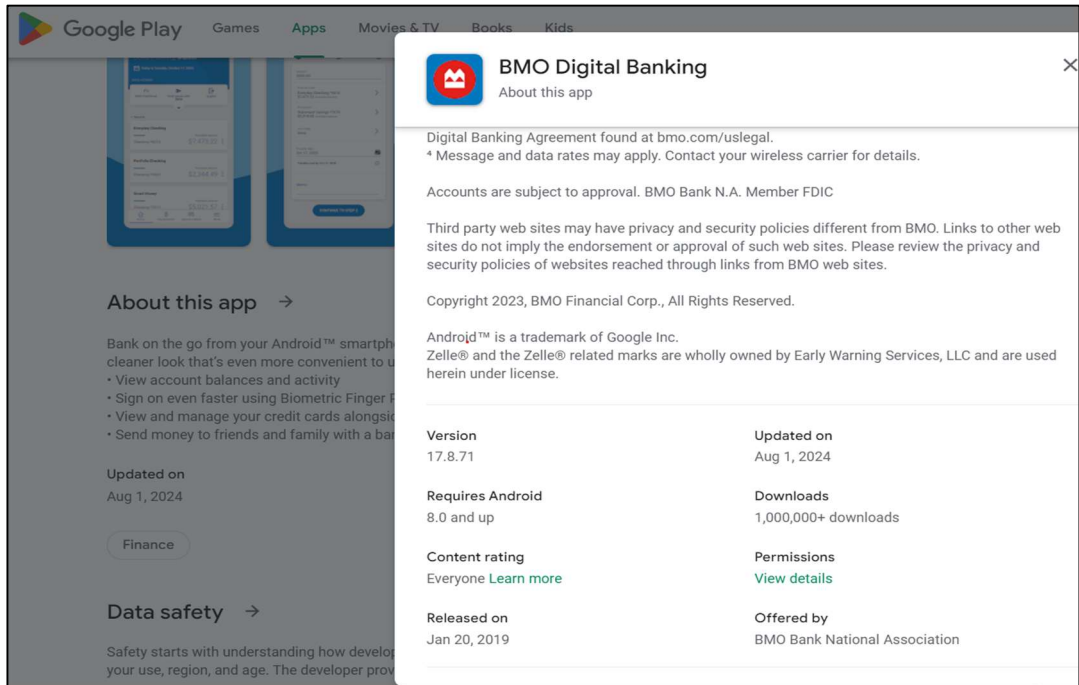
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BMO Digital Banking
About this app

Digital Banking Agreement found at [bmo.com/us/legal](https://www.bmo.com/us/legal).
⁴ Message and data rates may apply. Contact your wireless carrier for details.

Accounts are subject to approval. BMO Bank N.A. Member FDIC

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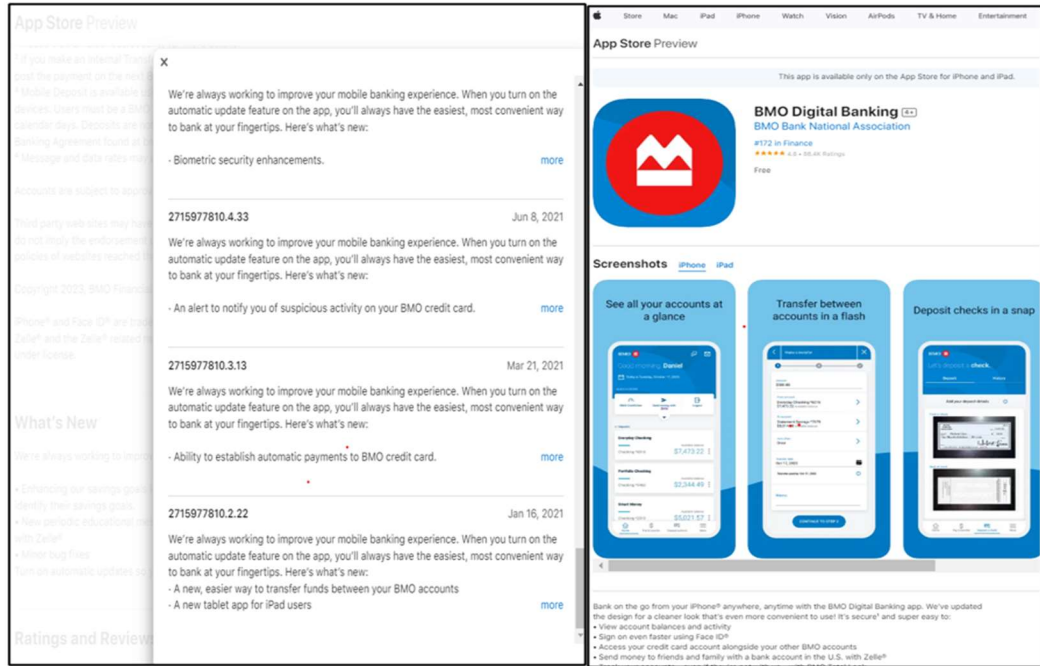
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Version 17.8.71	Updated on Aug 1, 2024
Requires Android 8.0 and up	Downloads 1,000,000+ downloads
Content rating Everyone Learn more	Permissions View details
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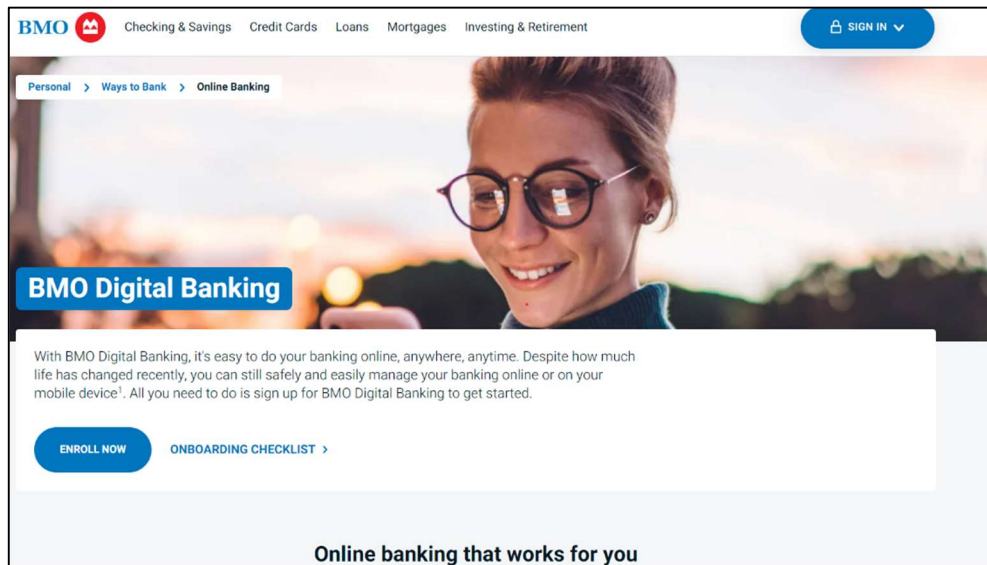
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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98. On information and belief, one or more components of the BMO Bank Products and Services and BMO Bank System employed and provided a method comprising the steps of generating and storing in the network application a user profile comprising user-specific information about alternative means of payment employable by the user.

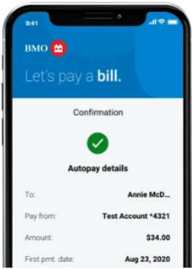


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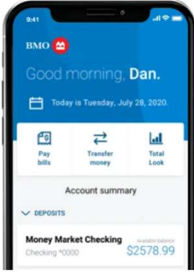





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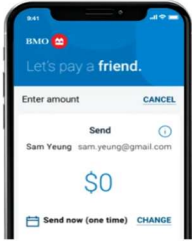




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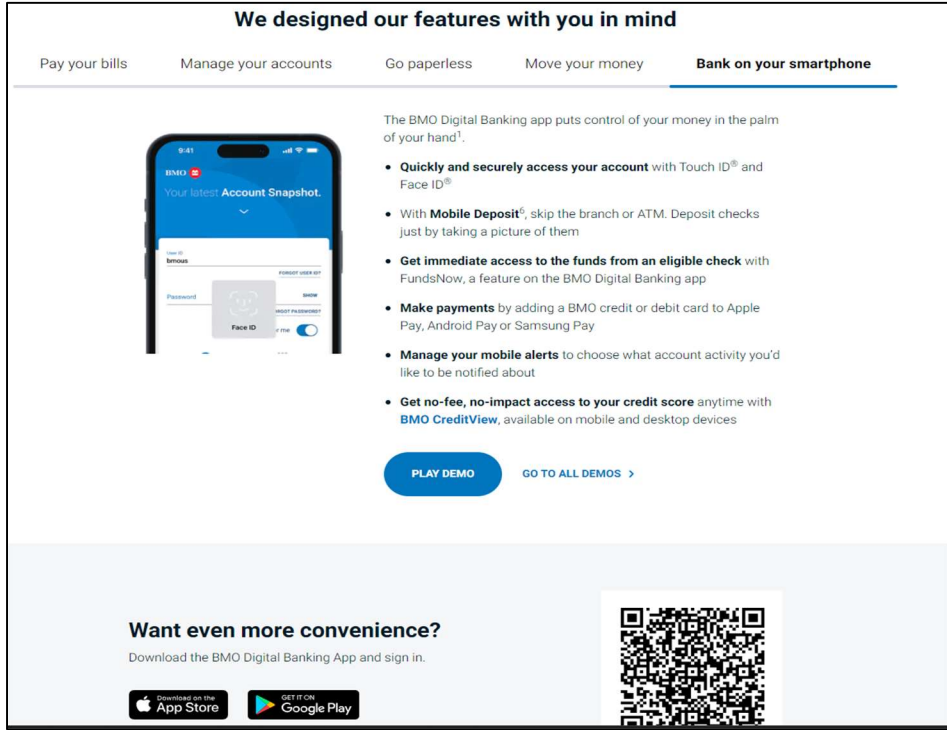




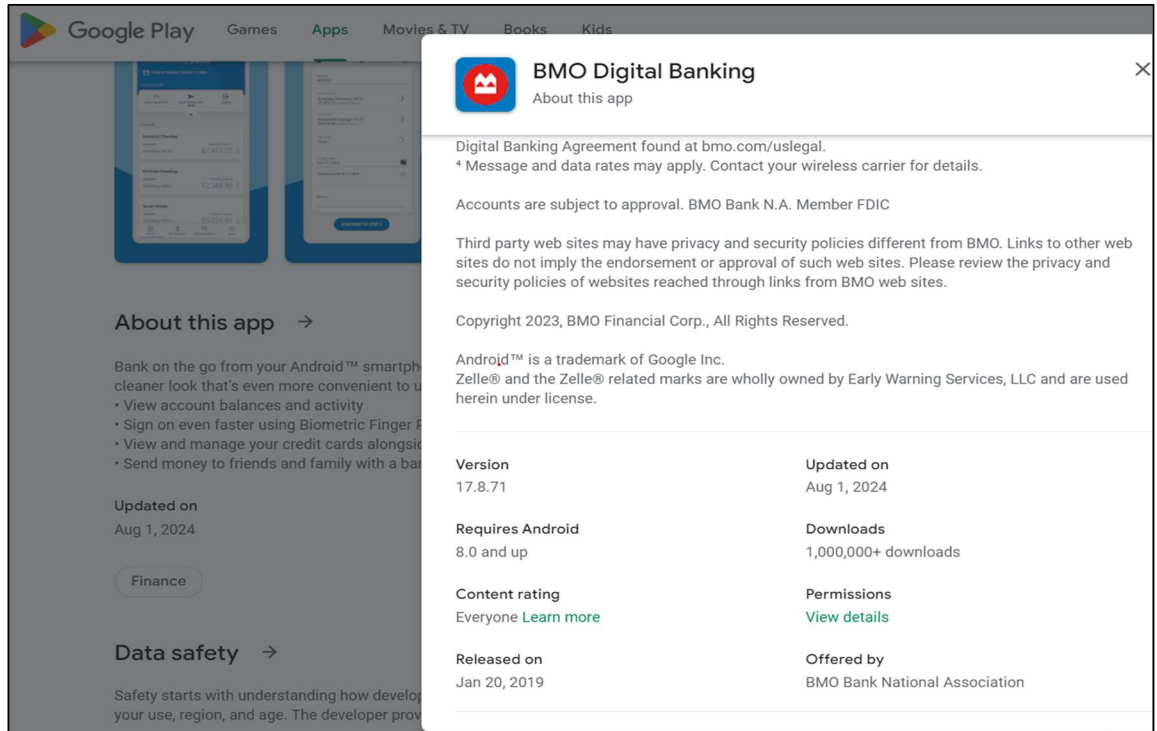


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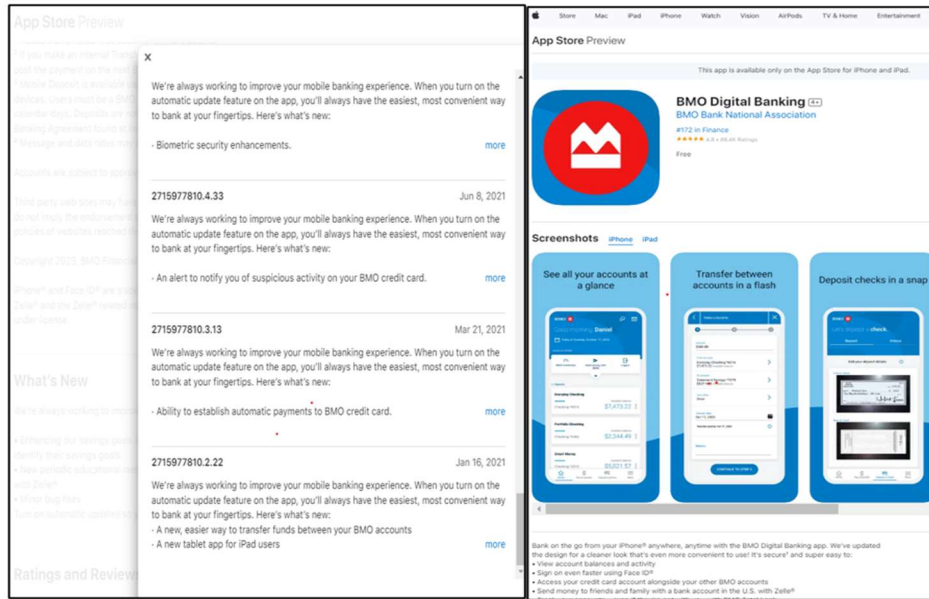


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

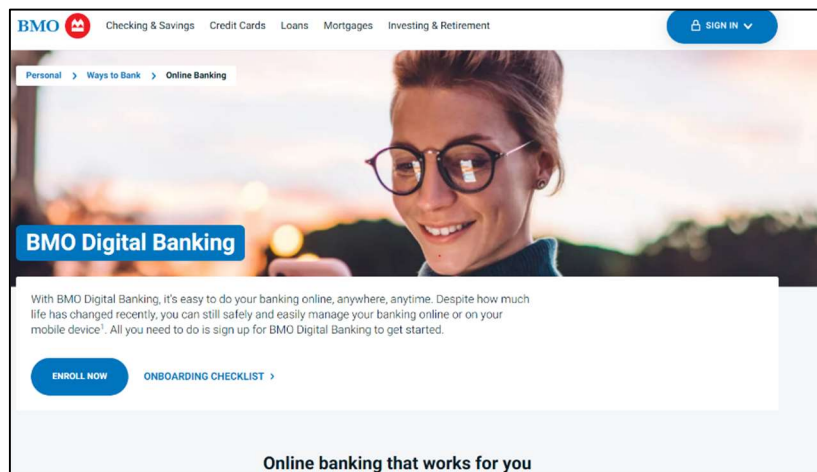
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11 See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

12 99. On information and belief, one or more components of the BMO Bank
13 Products and Services and BMO Bank System employed and provided a method
14 comprising the step of generating by means of the network application, when the
15 mobile station user is to make a purchase payment, a mode of payment message
16 based on the user profile for transmission to the mobile station, the mode of
17 payment message comprising a list of the alternative means of payment employable
18 by the user.

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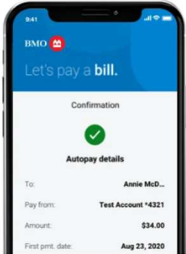


27 See e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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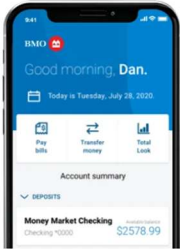





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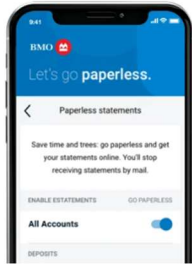


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2>.

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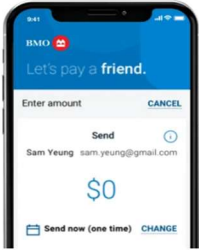





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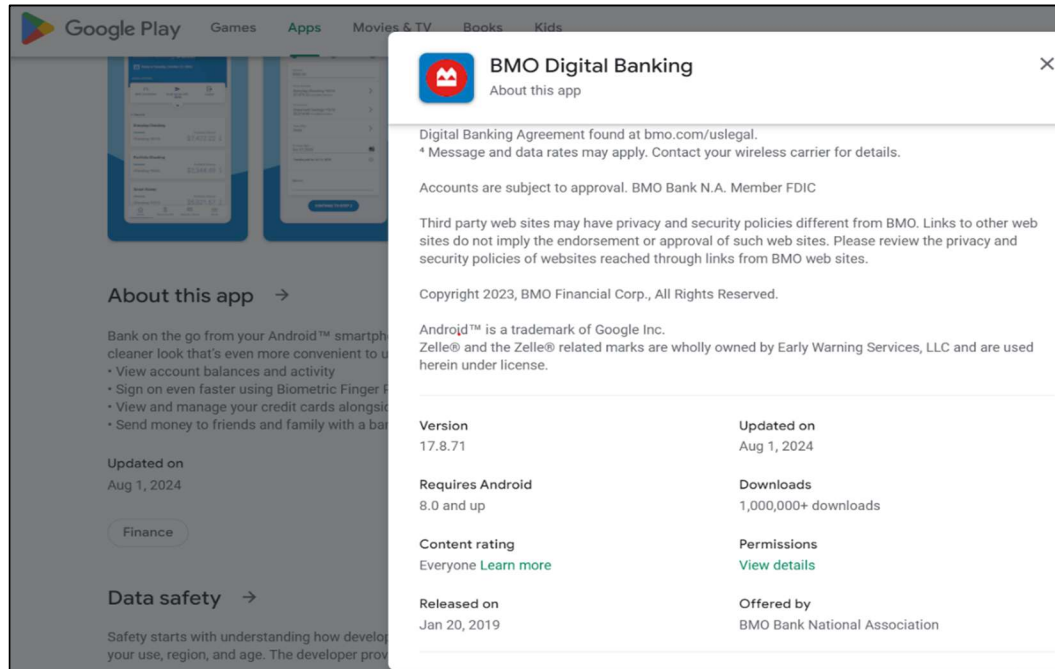
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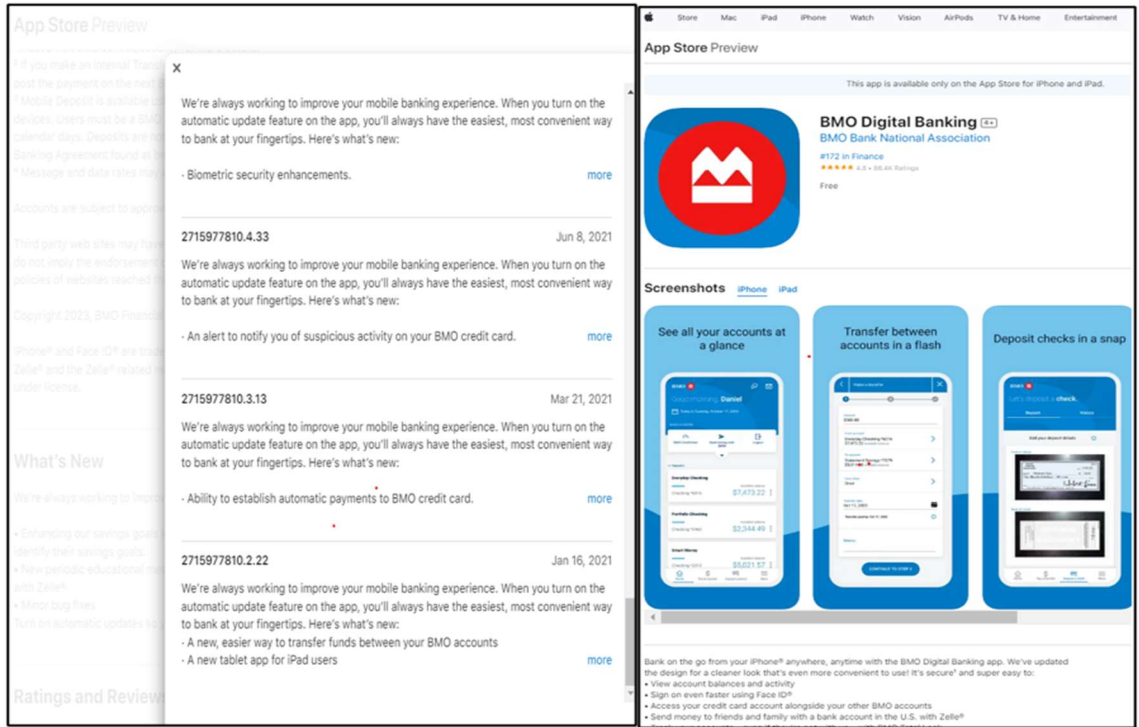


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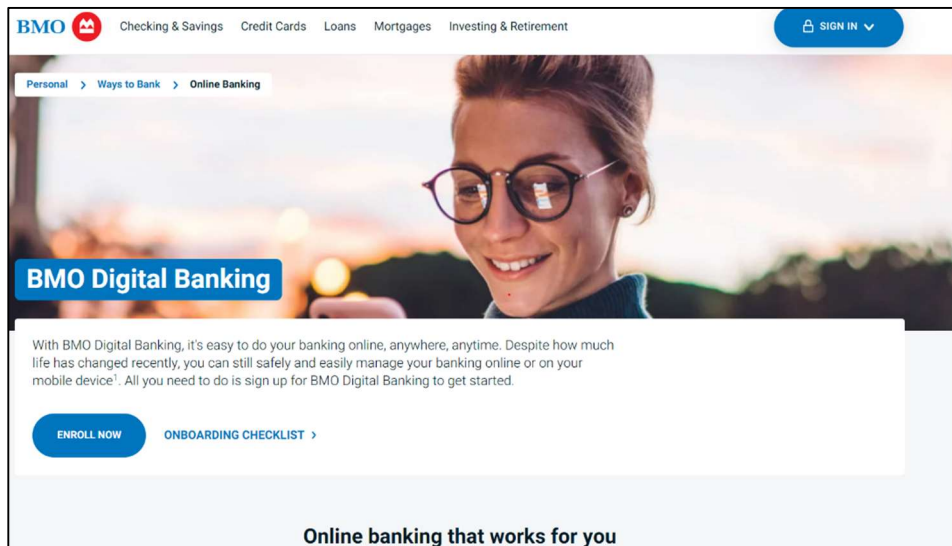
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.
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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

100. On information and belief, one or more components of the BMO Bank Products and Services and BMO Bank System employed and provided a method comprising the step of presenting, on the mobile station, the list of the alternative means of payment for selection by the user.

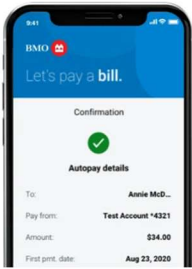


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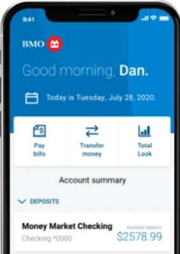





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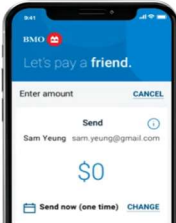





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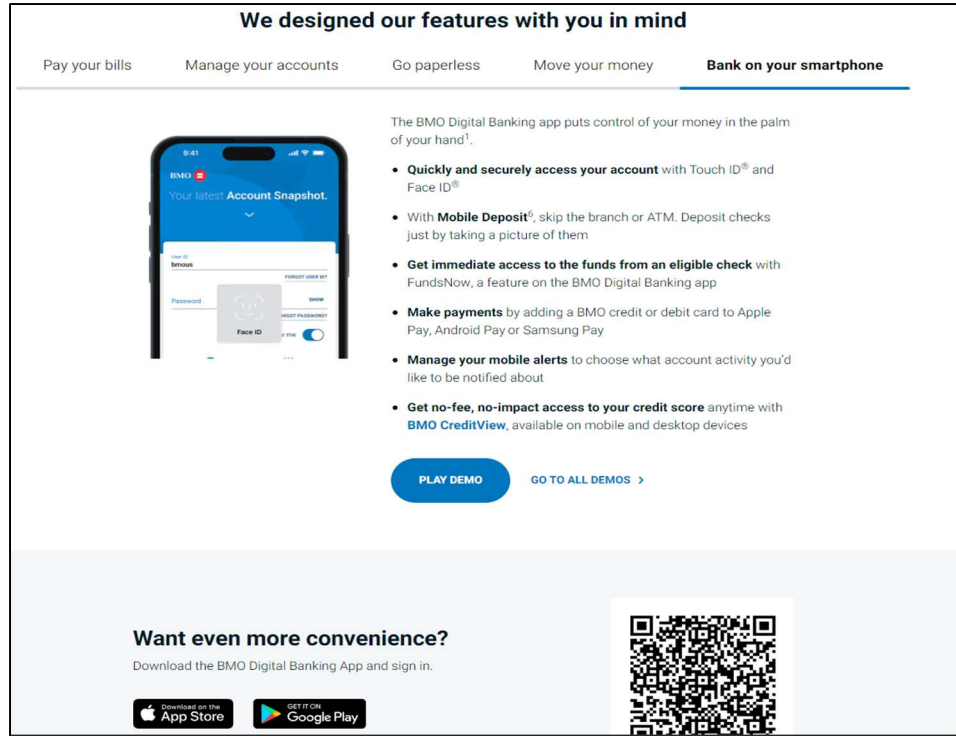





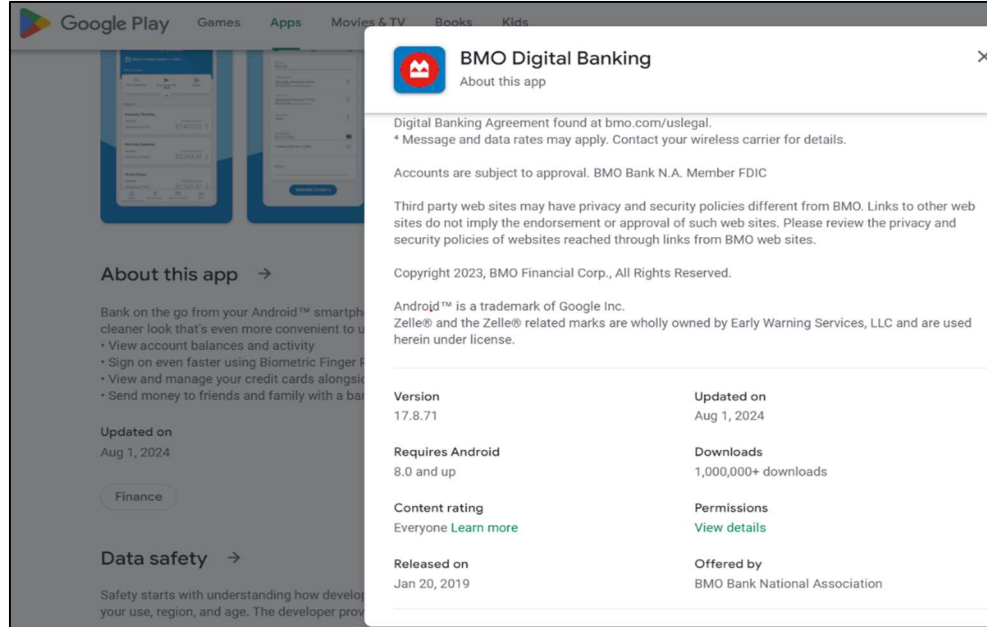
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See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.

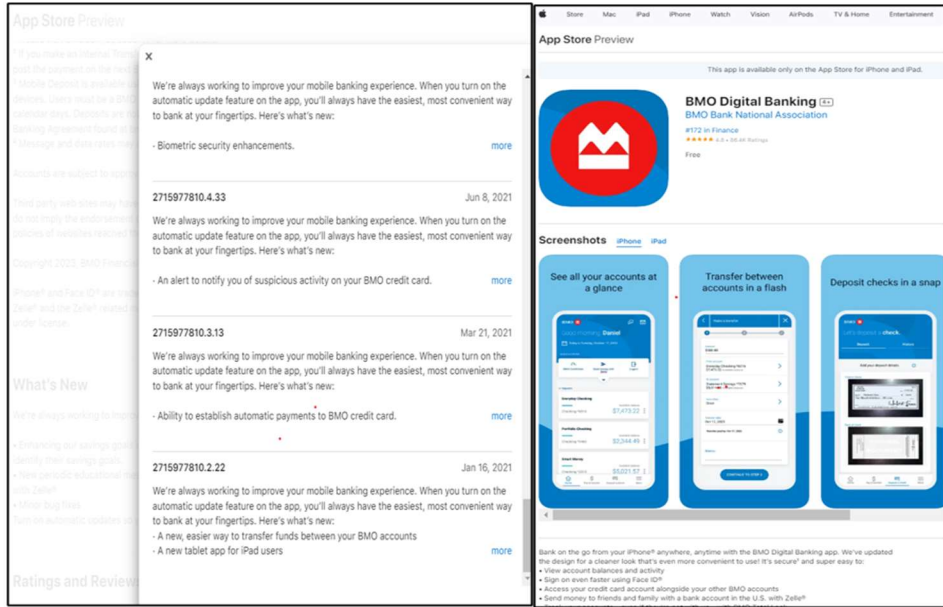


See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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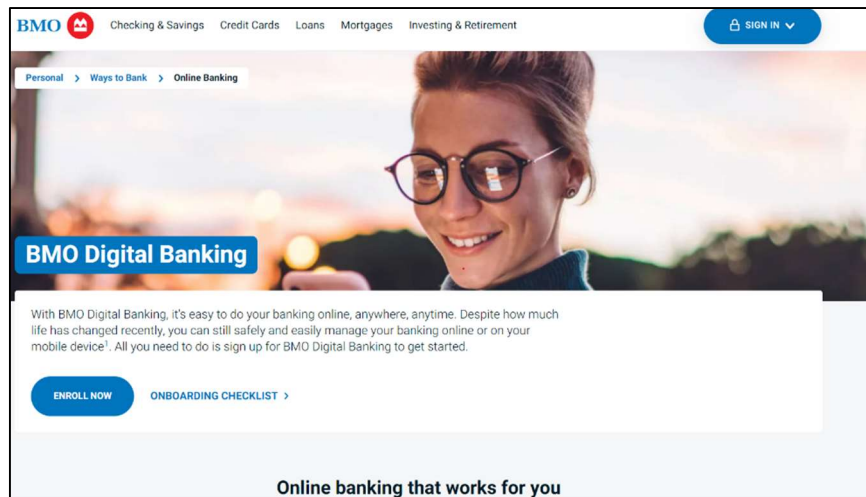
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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

101. On information and belief, one or more components of the BMO Bank Products and Services and BMO Bank System employed and provided a method comprising the step of generating a response message based on user input in response to the presented list of alternative means of payment and sending the response message to the network application, the response message indicating a means of payment selected by the user from the presented list of alternative means of payment.

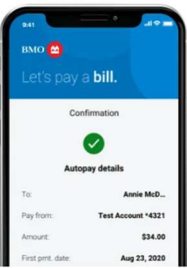


See e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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We designed our features with you in mind

Pay your bills Manage your accounts Go paperless Move your money Bank on your smartphone



Confirmation

✔

Autopay details

To: Annie McD...

Pay from: Test Account *4321

Amount: \$34.00

First pmt. date: Aug 23, 2020



Stay on top of payments by paying your bills online. It's fast, simple and secure.


- **Set up automatic payments** and let us help you manage your deadlines
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- **Analyze your spending habits** with our simple account statements and money management tools

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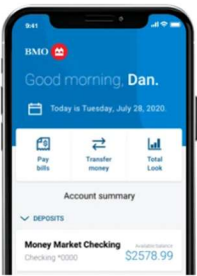





See, e.g., id.

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Good morning, Dan.

Today is Tuesday, July 28, 2020.

Account summary

DEPOSITS

Money Market Checking \$2578.99



Managing your money doesn't need to be complicated. Simplify your banking with **BMO Total Look**, an all-in-one money management tool.


- Manage **all your accounts in one secure location** – even if they're not with us
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- **Track your spending** and categorize transactions automatically, so you know exactly where your money goes
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See https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2.

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Save time by making the switch to paperless statements.


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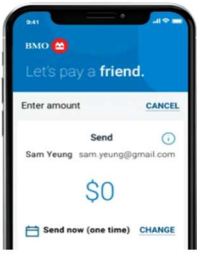





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

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- **Transfer money to and from external accounts** for free with External Transfers
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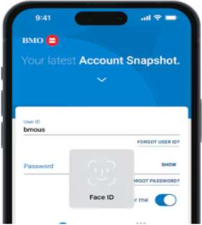


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-4>.

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We designed our features with you in mind

Pay your bills Manage your accounts Go paperless Move your money **Bank on your smartphone**






The BMO Digital Banking app puts control of your money in the palm of your hand¹.

- **Quickly and securely access your account** with Touch ID[®] and Face ID[®]
- With **Mobile Deposit[®]**, skip the branch or ATM. Deposit checks just by taking a picture of them
- **Get immediate access to the funds from an eligible check** with FundsNow, a feature on the BMO Digital Banking app
- **Make payments** by adding a BMO credit or debit card to Apple Pay, Android Pay or Samsung Pay
- **Manage your mobile alerts** to choose what account activity you'd like to be notified about
- **Get no-fee, no-impact access to your credit score** anytime with **BMO CreditView**, available on mobile and desktop devices

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GO TO ALL DEMOS >

Want even more convenience?
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See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.

BMO Digital Banking
About this app

Digital Banking Agreement found at [bmo.com/us/legal](https://www.bmo.com/us/legal).
* Message and data rates may apply. Contact your wireless carrier for details.

Accounts are subject to approval. BMO Bank N.A. Member FDIC

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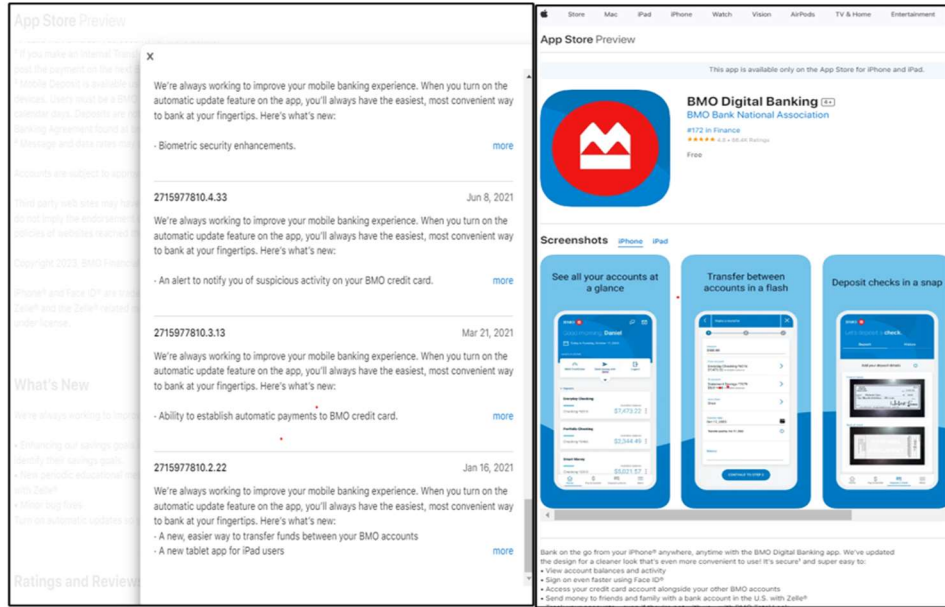
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Version	Updated on
17.8.71	Aug 1, 2024
Requires Android	Downloads
8.0 and up	1,000,000+ downloads
Content rating	Permissions
Everyone Learn more	View details
Released on	Offered by
Jan 20, 2019	BMO Bank National Association

See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

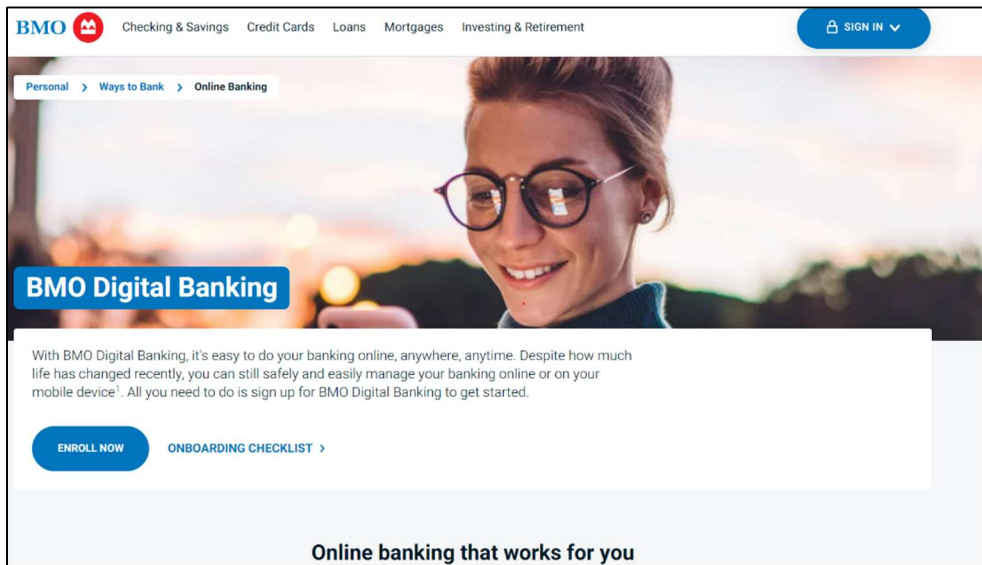
102. On information and belief, BMO Bank directly infringed at least claim 1 of the '078 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the BMO Bank Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the BMO Bank System.

103. On information and belief, at least since its receipt of the May 2020 Letter on or about May 18, 2020, and its knowledge of the '078 patent BMO Bank knowingly encouraged, customers to directly infringe one or more claims of the '078 patent, including but not limited to claim 1, including by BMO actions that include, without limitation, specifically instructing and actively encouraging customers to use the BMO Products and Services and BMO System through its advertisements, promotional materials, and user instructions.

104. On information and belief, BMO Bank's advertisements, promotional materials and user instructions, instructed and actively encouraged BMO's customers to practice each and every element of, at least, the methods of claim 1 of the '078 patent.

1 112. On information and belief, BMO Bank (or those acting on its behalf)
2 (i) made, used, sold, imported and/or offered to sell the BMO Bank Products and
3 Services; (ii) made, used, sold, sold access to, imported, offered to sell and/or
4 offered to sell access to the BMO Bank System; and (iii) induced its customers to use
5 the BMO Bank Products and Services and the BMO Bank System, in the United
6 States that infringed (literally and/or under the doctrine of equivalents) at least
7 claim 6 of the '888 patent.

8 113. On information and belief, one or more components of the BMO Bank
9 System employed and provided a method for utilizing a mobile station for the
10 transmission of authorization information (*e.g.*, payment request for transfer funds,
11 bill payments, etc.) in a telecommunication network. The BMO Bank System
12 supported online banking for managing various banking needs via mobile station
13 (*e.g.*, user's device).



23 See, *e.g.*, [https://www.bmo.com/en-us/main/personal/ways-to-bank/online-](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1)
24 [banking/#tab-1](https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1).

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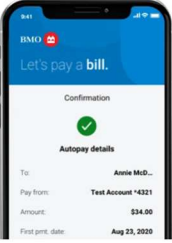
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Confirmation

Autopay details

To: Annie McD...

Pay from: Test Account *4321

Amount: \$34.00

First pmt. date: Aug 23, 2020



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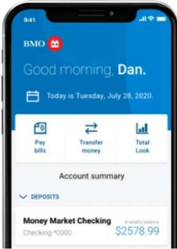





See e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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Good morning, Dan.

Today is Tuesday, July 28, 2020.

Pay bills Transfer money Total Look

Account summary

Money Market Checking \$2578.99



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See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2>.

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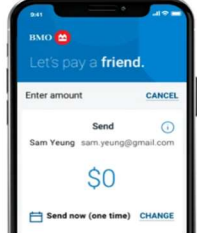





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

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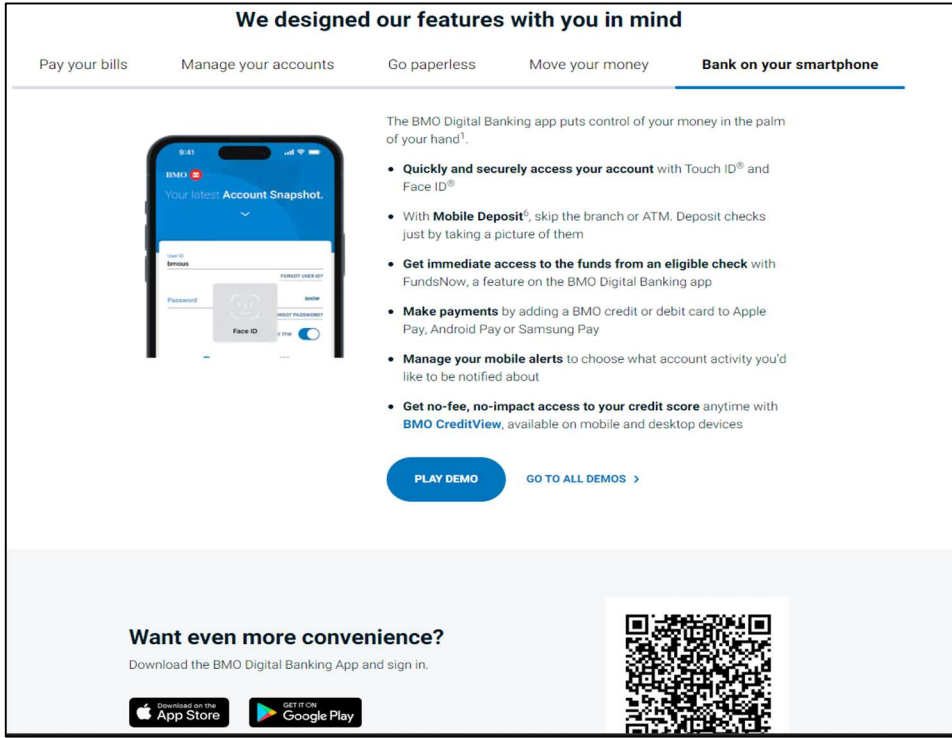
Download the BMO Digital Banking App and sign in.

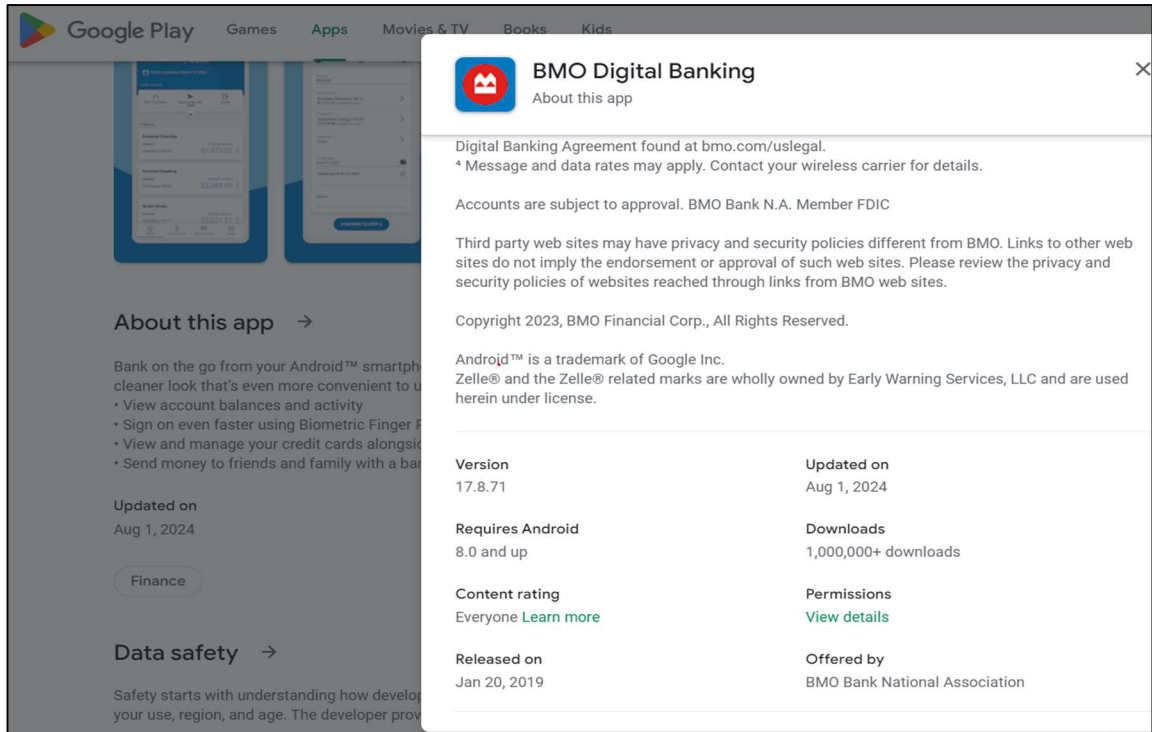


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-4>.

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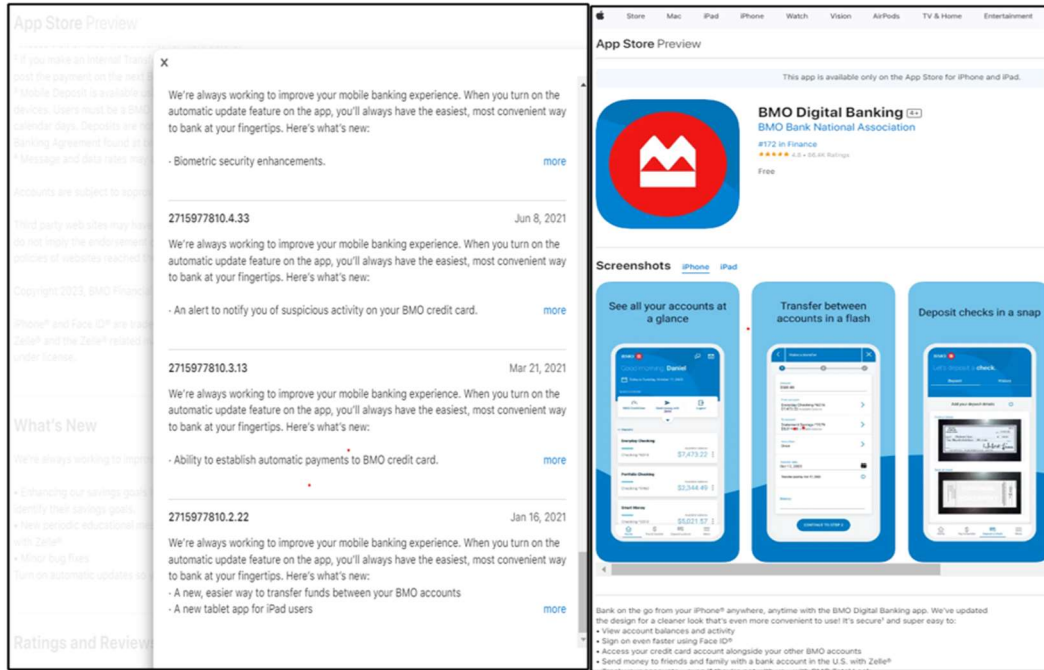


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



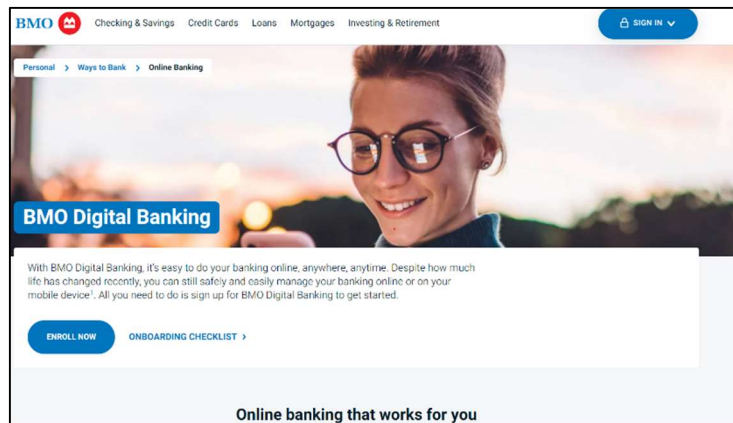
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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

114. On information and belief, one or more components of the BMO Bank Products and Services or System employed and provided a method for receiving transaction information (e.g., payment request for transfer funds, bill payments, buy shares, etc.) from a mobile station, (e.g., a smartphone using BMO Bank Mobile Banking) wherein the transaction information corresponds to a transaction to be verified (e.g., the transactions referenced in the screenshots below).

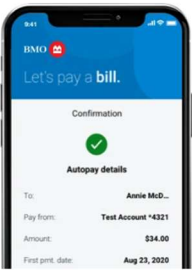


See, e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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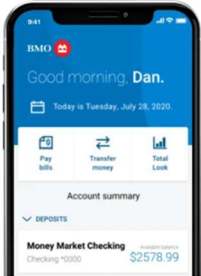





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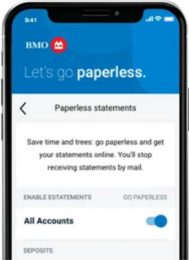


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2>.

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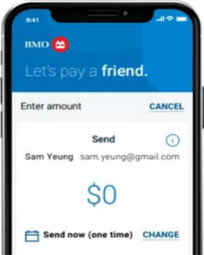





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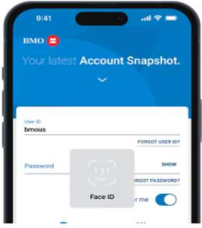


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- With **Mobile Deposit[®]**, skip the branch or ATM. Deposit checks just by taking a picture of them
- **Get immediate access to the funds from an eligible check** with FundsNow, a feature on the BMO Digital Banking app
- **Make payments** by adding a BMO credit or debit card to Apple Pay, Android Pay or Samsung Pay
- **Manage your mobile alerts** to choose what account activity you'd like to be notified about
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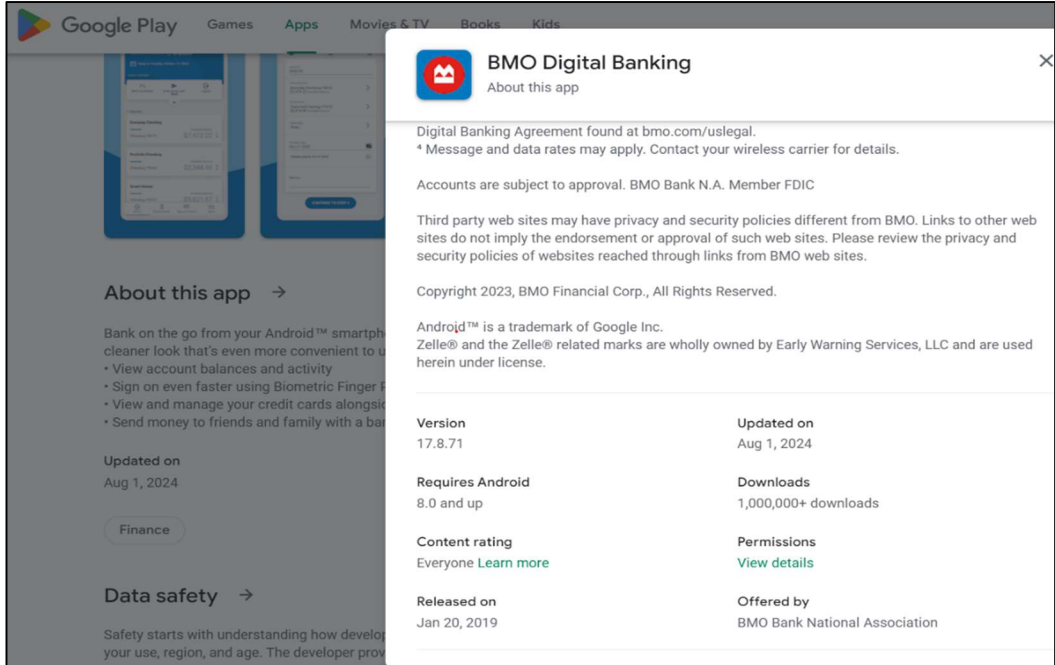
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See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



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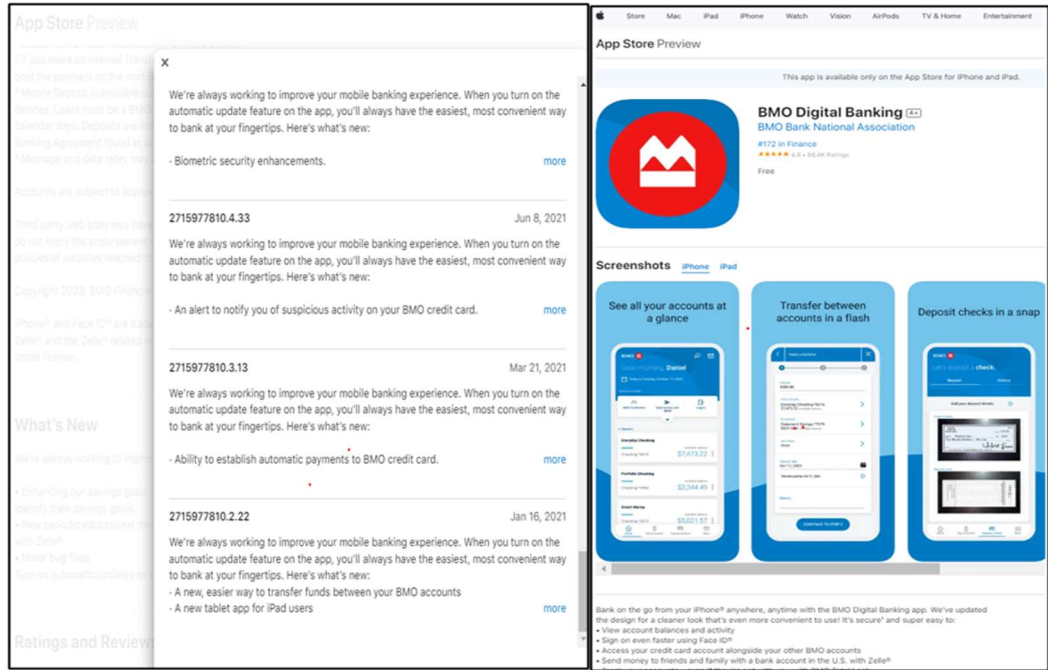
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Requires Android 8.0 and up	Downloads 1,000,000+ downloads
Content rating Everyone Learn more	Permissions View details
Released on Jan 20, 2019	Offered by BMO Bank National Association

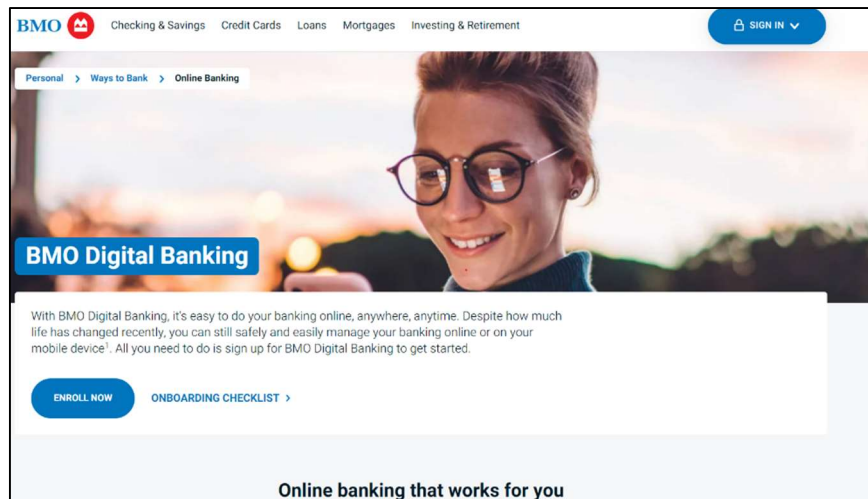
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.
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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

115. On information and belief, one or more components of the BMO Bank Products and Services or System employed and provided a method for communicating a request to verify the transaction to an authorization server (e.g., one or more of BMO Bank’s servers that supported Mobile Banking) based on the transaction information received from the mobile station, wherein verification indicates a verification status of the transaction.

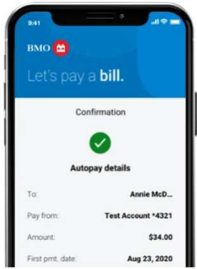


See, e.g., <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-1>.

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We designed our features with you in mind

Pay your bills Manage your accounts Go paperless Move your money Bank on your smartphone






Stay on top of payments by paying your bills online. It's fast, simple and secure.

- **Set up automatic payments** and let us help you manage your deadlines
- **Schedule payments in advance**, so you never miss a due date
- **Analyze your spending habits** with our simple account statements and money management tools

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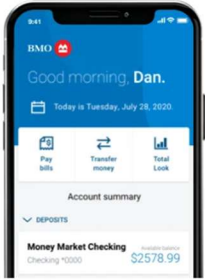





Id.

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Managing your money doesn't need to be complicated. Simplify your banking with **BMO Total Look**, an all-in-one money management tool.

- Manage **all your accounts in one secure location** – even if they're not with us
- Create a **personalized budget in minutes** to stay on top of your financial goals
- **Track your spending** and categorize transactions automatically, so you know exactly where your money goes
- Use **BMO Savings Goals** to set up, track and reach financial milestones

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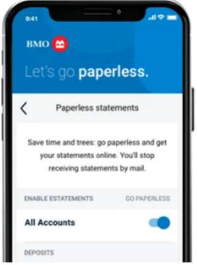


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-2>.

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Save time by making the switch to paperless statements.


- Access your bank statements online in one central location, any time you like
- Update your account preferences online to switch to paperless statements
- Switch all of your accounts to paperless statements, or choose specific accounts

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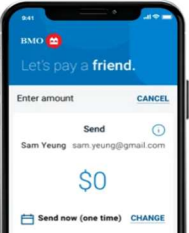





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

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We offer more ways than ever to send and receive money, with no need for an ATM visit.


- Send, request and receive money from friends and family with Zelle® a fast way to send money – all with no user fees from us
- Move money between your BMO accounts quickly and easily with internal transfers⁵
- Transfer money to and from external accounts for free with External Transfers
- Skip the trip to the bank and deposit checks directly from your smartphone with Mobile Deposit⁶
- Save on interest and pay off credit cards quickly with a credit card balance transfer.

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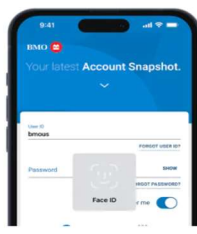


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-4>.

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Pay your bills Manage your accounts Go paperless Move your money **Bank on your smartphone**






The BMO Digital Banking app puts control of your money in the palm of your hand¹.

- **Quickly and securely access your account** with Touch ID[®] and Face ID[®]
- With **Mobile Deposit**⁶, skip the branch or ATM. Deposit checks just by taking a picture of them
- **Get immediate access to the funds from an eligible check** with FundsNow, a feature on the BMO Digital Banking app
- **Make payments** by adding a BMO credit or debit card to Apple Pay, Android Pay or Samsung Pay
- **Manage your mobile alerts** to choose what account activity you'd like to be notified about
- **Get no-fee, no-impact access to your credit score** anytime with **BMO CreditView**, available on mobile and desktop devices

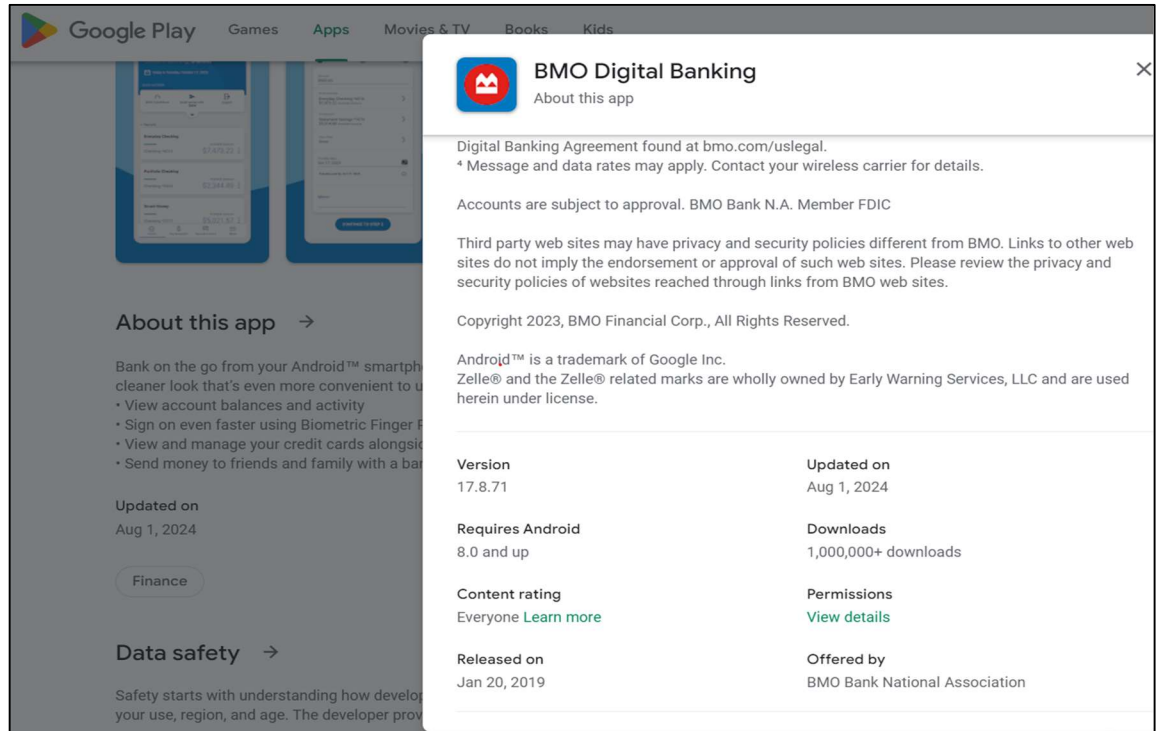
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Want even more convenience?
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See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



About this app →

Bank on the go from your Android™ smartphone with a cleaner look that's even more convenient to use.

- View account balances and activity
- Sign on even faster using Biometric Finger ID
- View and manage your credit cards alongside your accounts
- Send money to friends and family with a bank transfer

Updated on Aug 1, 2024

Finance

Data safety →

Safety starts with understanding how developers collect and share your data. Learn more about how your use, region, and age. The developer provides information about their data practices for this app.

BMO Digital Banking
About this app

Digital Banking Agreement found at [bmo.com/us/legal](https://www.bmo.com/us/legal).
* Message and data rates may apply. Contact your wireless carrier for details.

Accounts are subject to approval. BMO Bank N.A. Member FDIC

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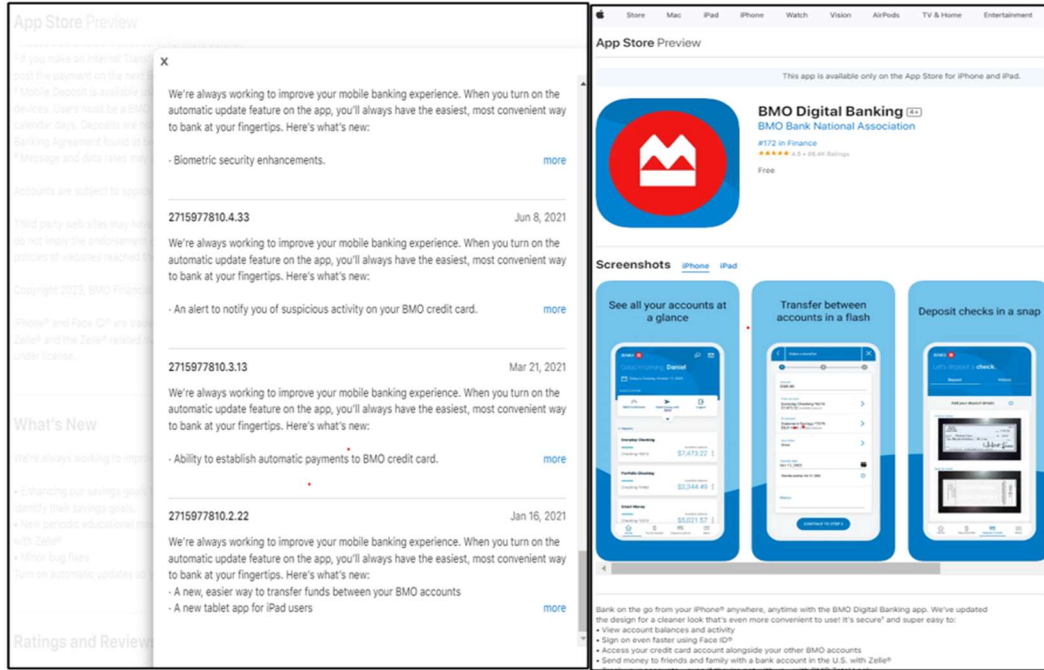
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Zelle® and the Zelle® related marks are wholly owned by Early Warning Services, LLC and are used herein under license.

Version	Updated on
17.8.71	Aug 1, 2024
Requires Android	Downloads
8.0 and up	1,000,000+ downloads
Content rating	Permissions
Everyone Learn more	View details
Released on	Offered by
Jan 20, 2019	BMO Bank National Association

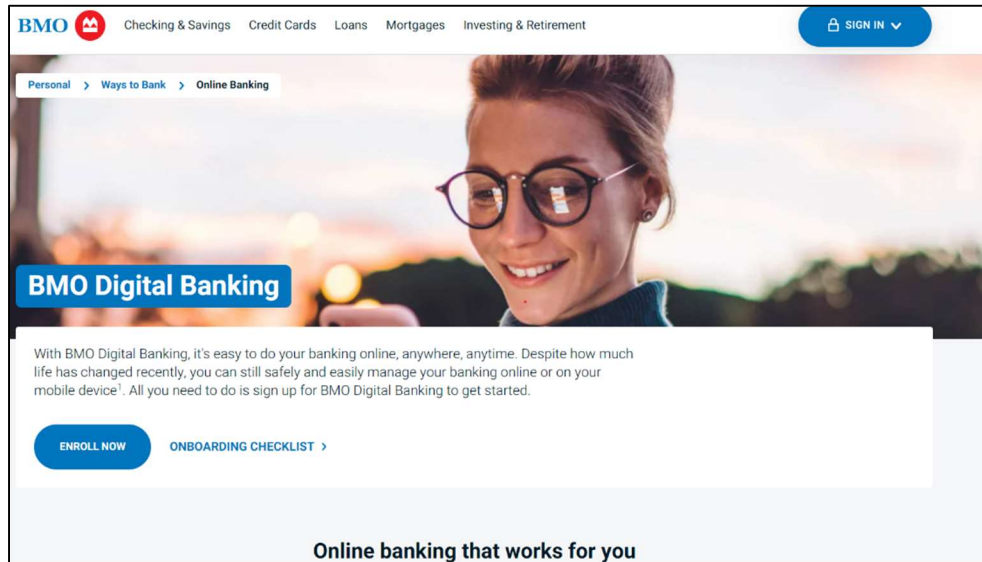
See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

116. On information and belief, one or more components of the BMO Bank Products and Services or System employed and provided a method for receiving a verification result (e.g., status of the transaction as Completed or Pending) from the authorization server (e.g., BMO Bank’s server), wherein the authorization server communicates the verification result to the mobile station (e.g., user device).

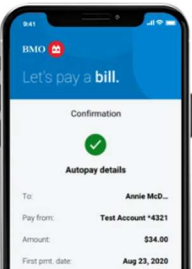


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Confirmation

✔

Autopay details

To: Annie MJD...

Pay from: Test Account *4321

Amount: \$34.00

First print date: Aug 23, 2020



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- **Set up automatic payments** and let us help you manage your deadlines
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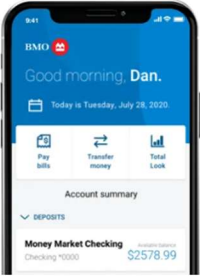





Id.

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Good morning, Dan.

Today is Tuesday, July 28, 2020

Pay bills Transfer money Total Look

Account summary

DEPOSITS

Money Market Checking \$2578.99



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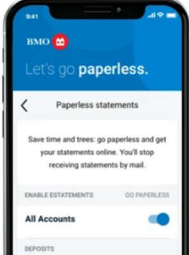


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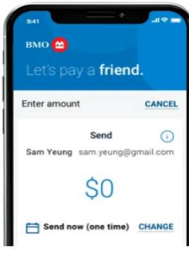





See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-3>.

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Want even more convenience?

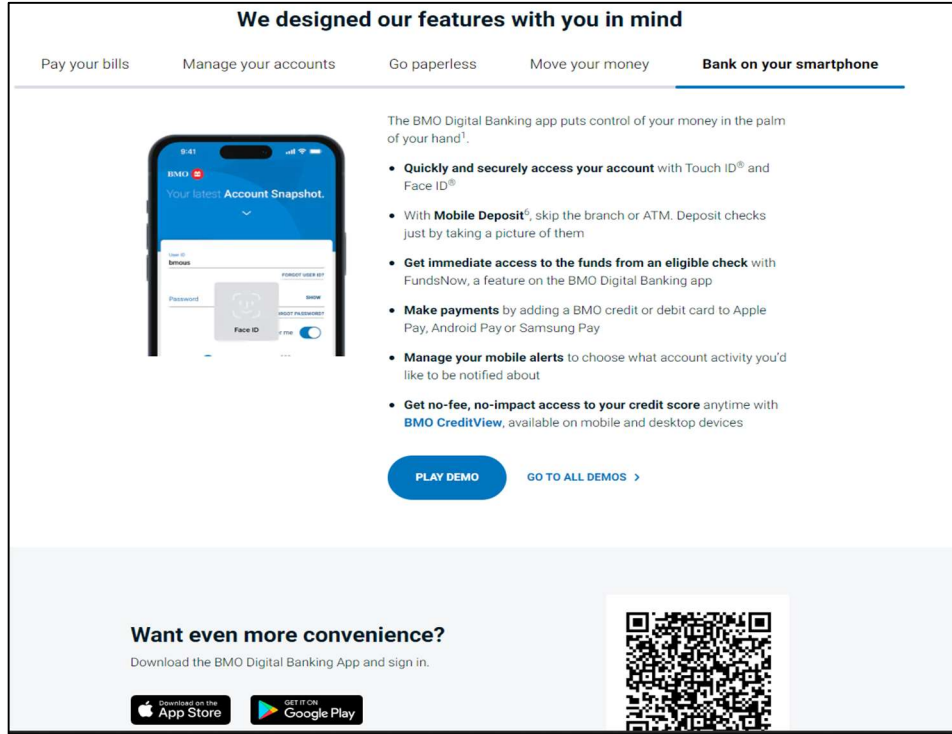
Download the BMO Digital Banking App and sign in.

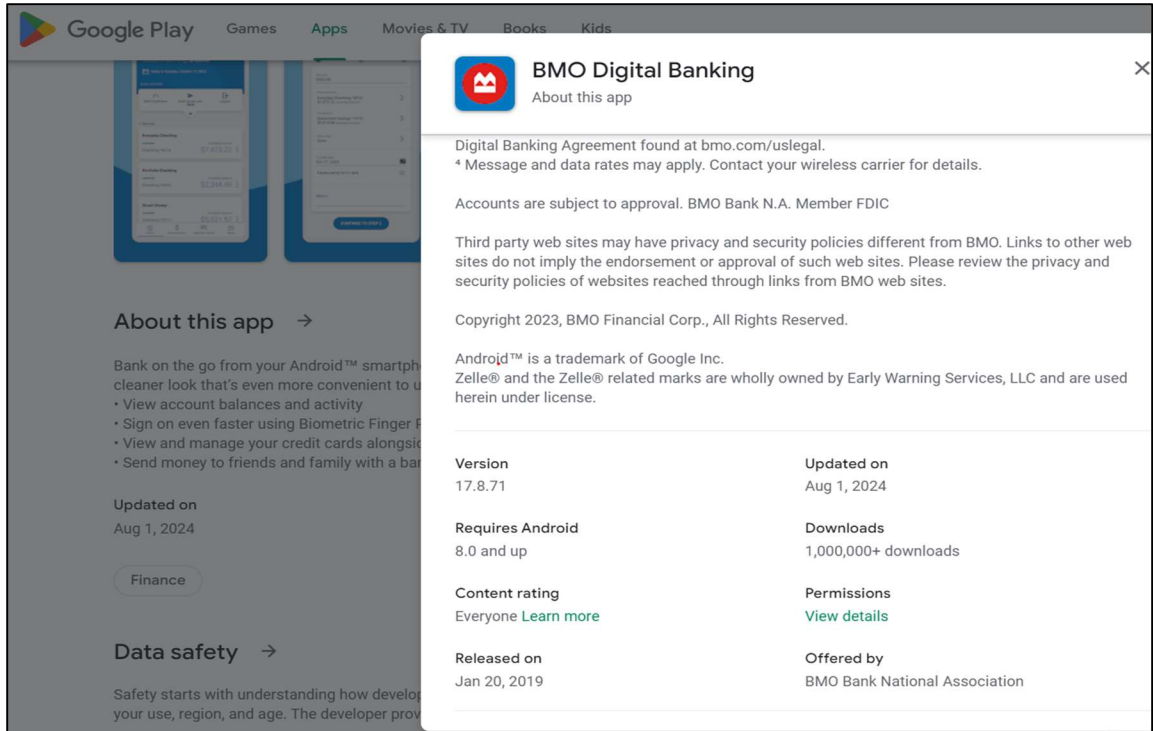


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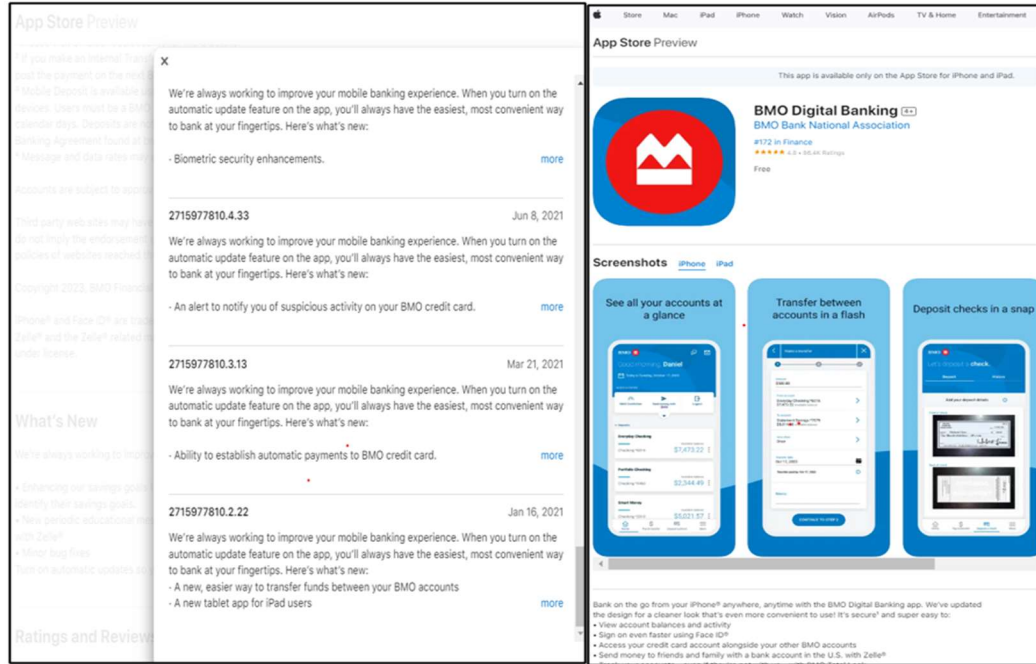


See <https://www.bmo.com/en-us/main/personal/ways-to-bank/online-banking/#tab-5>.



See <https://play.google.com/store/apps/details?id=com.bmoharris.digital&hl=en>.

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See <https://apps.apple.com/us/app/bmo-digital-banking/id538891526?ls=1>.

117. On information and belief, BMO Bank directly infringed at least claim 6 of the '888 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the BMO Bank Products and Services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the BMO Bank System.

118. On information and belief, at least since its receipt of the May 2020 Letter on or about May 18, 2020, and its knowledge of the '888 patent, BMO Bank knowingly encouraged, customers to directly infringe one or more claims of the '888 patent, including but not limited to claim 6, including by BMO actions that include, without limitation, specifically instructing and actively encouraging customers to use the BMO Products and Services and BMO System through its advertisements, promotional materials, and user instructions.

119. On information and belief, BMO Bank's advertisements, promotional materials and user instructions, instructed and actively encouraged BMO's customers to practice each and every element of, at least, the methods of claim 6 of the '888 patent.

1 120. On information and belief, at least since its 2020 receipt of the May
2 2020 Letter, BMO knew that the acts BMO induced customers to take constituted
3 direct patent infringement and BMO's encouraging acts resulted in direct
4 infringement by its customers.

5 121. On information and belief, BMO instructed its customers to use the
6 BMO Products and Services and BMO System, without limitation, through BMO
7 Bank's website, which provided access to, and support for using BMO Products and
8 Services and BMO System.

9 122. On information and belief, BMO Bank's customers directly infringed
10 at least claim 6 of the '888 patent through their use of the BMO Bank Products and
11 Services and the BMO Bank System.

12 123. On information and belief, BMO Bank violated 35 U.S.C. § 271(b) and
13 has, at least since its post-filing knowledge of the '888 patent, indirectly infringed at
14 least claim 6 of the '888 patent by knowingly and specifically having intended to
15 induce infringement by others (including, without limitation, BMO's customers)
16 and possessed specific intent to encourage infringement by BMO's customers. The
17 BMO Products and Services and BMO System were specifically configured to
18 function in accordance with the '888 patent claims, were material parts of the
19 invention, and did not have substantial non-infringing uses.

20 124. Kioba has been damaged by the direct and/or indirect infringement of
21 BMO Bank and suffered irreparable harm and damages as a result of this
22 infringement.

23 **PRAYER FOR RELIEF**

24 Kioba respectfully requests this Court to enter judgment in its favor and
25 against BMO Bank as follows:

26 A. finding that BMO Bank has infringed one or more claims of the '902
27 patent under 35 U.S.C. §§ 271(a) and (b);
28

1 B. finding that BMO Bank has infringed one or more claims of the '382
2 patent under 35 U.S.C. §§ 271(a) and (b);

3 C. finding that BMO Bank has infringed one or more claims of the '078
4 patent under 35 U.S.C. §§ 271(a) and (b);

5 D. finding that Bank BMO Bank has infringed one or more claims of the
6 '888 patent under 35 U.S.C. §§ 271(a) and (b);

7 E. awarding Kioba damages under 35 U.S.C. § 284, or otherwise
8 permitted by law, including supplemental damages for any continued post-
9 verdict infringement;

10 F. awarding Kioba pre-judgment and post-judgment interest on the
11 damages award and costs;

12 G. declaring that BMO Bank has willfully infringed one or more claims of
13 the Patents-in-Suit;

14 H. awarding treble damages pursuant to U.S.C. § 284 as a result of BMO
15 Bank's willful conduct in relation to one or more claims of the Patent-in-Suit;

16 I. awarding cost of this action (including all disbursements) and attorney
17 fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and,

18 J. awarding such other costs and further relief that the Court determines
19 to be just and equitable.

20 **JURY DEMAND**

21 Under Federal Rule of Civil Procedure 38(b), Kioba requests a trial by jury on
22 all issues so triable.

23 Dated: December 13, 2024 **PERKOWSKI LEGAL, PC**

24 **DAIGNAULT IYER LLP**

25 By: /s/ Peter E. Perkowski

26 Peter E. Perkowski

27 Attorneys for Plaintiff KIOBA
28 TECHNOLOGIES LLC