

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

**ENCODITECH LLC,**

Plaintiff,

v.

**INGENICO, INC., AND INGENICO  
CORP. (DELAWARE),**

Defendant.

Case No. 2:15-cv-1088

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff Encoditech LLC, files this Complaint against Ingenico, Inc., and Ingenico Corp. (Delaware), for infringement of United States Patent No. 6,321,095 (the “‘095 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Encoditech LLC (“Plaintiff” or “Encoditech”), is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 3415 Custer Road, Suite 120, Plano, Texas 75023.

4. Upon information and belief, Defendant Ingenico, Inc., is a Georgia corporation with a principal office located at 3025 Windward Plaza, Suite 600, Alpharetta, GA 30005.

5. Upon information and belief, Defendant Ingenico Corp. (Delaware) is a Delaware corporation with a principal office located at 3025 Windward Plaza, Suite 600, Alpharetta, GA 30005.

6. Ingenico, Inc., and Ingenico Corp. (Delaware) are collectively referred to as “Defendants”.

7. This Court has personal jurisdiction over Defendants because Defendants have committed, and continue to commit, acts of infringement in the state of Texas, have conducted business in the state of Texas, and/or have engaged in continuous and systematic activities in the state of Texas.

8. On information and belief, Defendants’ instrumentalities that are alleged herein to infringe were and/or continue to be sold, offered for sale, and/or used in the Eastern District of Texas.

9. Defendants are related companies that are both part of a common corporate family, and therefore their joinder as co-defendants is proper in this case.

**VENUE**

10. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this district. In addition, and in the alternative, Defendants have committed acts of infringement in this district.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 6,321,095)**

11. Plaintiff incorporates paragraphs 1 through 10 herein by reference.

12. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

13. Plaintiff is the owner by assignment of the '095 Patent with sole rights to enforce the '095 Patent and sue infringers.

14. A copy of the '095 Patent, titled "Wireless Communications Approach," is attached hereto as Exhibit A.

15. The '095 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

**(Direct Infringement)**

16. Upon information and belief, Defendants have infringed and continue to directly infringe one or more claims of the '095 Patent, including at least claim 8, by making, having made, selling, offering for sale, and/or importing communications devices configured to communicate securely with a second communications device as described in claim 8 of the '095 Patent, including without limitation Defendants' Ingenico 100 Pinpad devices (the "Accused Instrumentalities").

17. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

18. Plaintiff is in compliance with 35 U.S.C. § 287.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court to:

a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

- b) Enjoin Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 6,321,095 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- d) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- e) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- f) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 19, 2015

Respectfully submitted,

/s/ Craig Tadlock  
Craig Tadlock  
State Bar No. 00791766  
John J. Harvey, Jr.  
State Bar No. 09179770  
Keith Smiley  
State Bar No. 24067869  
TADLOCK LAW FIRM PLLC  
2701 Dallas Parkway, Suite 360  
Plano, Texas 75093  
903-730-6789  
craig@tadlocklawfirm.com  
john@tadlocklawfirm.com  
keith@tadlocklawfirm.com

*Attorneys for Plaintiff Encoditech LLC*