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

REFLECTION CODE LLC, Plaintiff, v. CHILI'S, INC. and BRINKER INTERNATIONAL, INC., Defendants.	**Civil Action No. _____** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Reflection Code LLC ("Reflection Code" or "Plaintiff"), for its Complaint against Defendant Chili's, Inc. and Defendant Brinker International, Inc. (collectively "Defendants"), alleges the following:

NATURE OF THE ACTION

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 PARTIES

2. Plaintiff Reflection Code is a limited liability company organized under the laws of the State of Texas with a place of business at 101 E. Park Blvd., Suite 600, Plano, TX 75074.

3. Upon information and belief, Defendant Chili's, Inc. is a corporation organized and existing under the laws of Delaware, with a place of business at 6820 LBJ Freeway, Dallas, TX 75240 and a registered agent for service of process at Prentice-Hall Corp. System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Upon information and belief, Defendant Chili's, Inc. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce

and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Defendant Brinker International, Inc. is a corporation organized and existing under the laws of Delaware, with a place of business at 6820 LBJ Freeway, Dallas, TX 75240 and a registered agent for service of process at Prentice-Hall Corp. System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Upon information and belief, Defendant Brinker International, Inc. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, Defendants conduct business in this district, the claims alleged in this Complaint arise in this District, and the acts of infringement have taken place and are continuing to take place in this District.

8. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because Defendants have sufficient minimum contacts within the State of Texas and this district (including via sales of Defendants' products and services), pursuant to due process and/or the Texas Long Arm Statute, because Defendants purposefully availed themselves of the privileges of conducting business in the State of Texas and in this District, because Defendants regularly conduct and solicits business within the State of Texas

and within this District, and because Reflection Code's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and this District.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,733,657

9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated into this First Claim for Relief. On May 27, 2014, U.S. Patent No. 8,733,657 ("the '657 patent"), entitled "Barcode Device," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '657 patent is attached as Exhibit 1.

10. The inventions of the '657 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in the use of such bar codes by allowing the bar code to point to an address of a publicly available database, allowing increased flexibility in the information returned by the database.

11. The claims of the '657 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '657 patent recite one or more inventive concepts that are rooted in computer technology, and overcome problems specifically arising in the realm of computer technologies.

12. The claims of the '657 patent recite an invention that is not merely the routine or conventional use of the Internet. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes can be achieved on a publicly available database. The '657 patent claims thus specify how interactions with the Internet are manipulated to yield a desired result.

13. The technology claimed in the '657 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

14. Accordingly, each claim of the ’657 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

15. Reflection Code is the assignee and owner of the right, title and interest in and to the ’657 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

16. Upon information and belief, Defendants have and continue to directly infringe one or more claims of the ’657 patent by making, using, selling, importing and/or providing and causing to be used products and/or services that incorporate a barcode device associated with said products and/or services along with related computer system(s) including IP systems and related functionality, which products by way of example include Defendants’ retail consumer products and/or marketing materials (the “Accused Instrumentalities”).

17. Defendants were made aware of the ’657 patent and its infringement thereof at least as early as the filing of this Complaint.

18. Upon information and belief, since at least the time Defendants received notice, Defendants have induced and continue to induce others to infringe at least one claim of the ’657 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant’s partners and customers, whose use of the barcode device incorporated into the Accused Instrumentalities constitutes direct infringement of at least one claim of the ’657 patent.

19. In particular, Defendant’s actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the barcode device incorporated into the Accused Instrumentalities and providing instruction materials, training, and services

regarding the barcode device incorporated into the Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the ’657 patent and knowledge that their acts were inducing infringement of the ’657 patent since at least the date Defendants received notice that such activities infringed the ’657 patent.

20. Upon information and belief, Defendants are liable as a contributory infringer of the ’657 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate a barcode device, as described above to be especially made or adapted for use in an infringement of the ’657 patent. The barcode device incorporated into the Accused Instrumentalities is a material component for use in practicing the ’657 patent and is specifically made and is not a staple article of commerce suitable for substantial non-infringing use.

21. Reflection Code has been harmed by Defendants’ infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,963,446 (INDIRECT)

22. The allegations set forth in the foregoing paragraphs 1 through 21 are incorporated into this Second Claim for Relief.

23. On June 21, 2011, U.S. Patent No. 7,963,446 (“the ’446 patent”), entitled “Bar Code Device,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’446 patent is attached as Exhibit 2.

24. The inventions of the ’446 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in the use of such bar codes by allowing the bar code to point to an address of a publicly available database, allowing increased flexibility in the information returned by the database.

25. The claims of the ’446 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’446 patent recite one or more inventive concepts that are rooted in computer technology, and overcome problems specifically arising in the realm of computer technologies.

26. The claims of the ’446 patent recite an invention that is not merely the routine or conventional use of the Internet. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes can be achieved on a publicly available database. The ’446 patent claims thus specify how interactions with the Internet are manipulated to yield a desired result.

27. The technology claimed in the ’446 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

28. Accordingly, each claim of the ’446 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

29. Reflection Code is the assignee and owner of the right, title and interest in and to the ’446 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

30. Upon information and belief, Defendants have and continue to indirectly infringe one or more claims of the ’446 patent by making, using, selling, importing and/or providing and causing to be used by others, such as its partners and customers, products and/or services that incorporate a barcode device associated with said products and/or services along with related

computer system(s) including IP systems and related functionality, which products by way of example include Defendants' retail consumer products and/or marketing materials.

31. Defendants were made aware of the infringement of the '446 patent at least as early as the filing of this Complaint.

32. Upon information and belief, since at least the time Defendants received notice, Defendants have induced and continue to induce others to infringe at least one claim of the '446 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' partners and customers, whose use of the barcode device incorporated into the Accused Instrumentalities constitutes direct infringement of at least one claim of the '446 patent.

33. In particular, Defendants' actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '446 patent and knowledge that its acts were inducing infringement of the '446 patent since at least the date Defendants received notice that such activities infringed the '446 patent.

34. Upon information and belief, Defendants are liable as a contributory infringer of the '446 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate a barcode device, as described above to be especially made or adapted for use in an infringement of the '446 patent. The barcode device incorporated into the Accused Instrumentalities is a material component for use in practicing the

’446 patent and is specifically made and is not a staple article of commerce suitable for substantial non-infringing use.

35. Reflection Code has been harmed by Defendants’ infringing activities.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,763,907 (INDIRECT)

36. The allegations set forth in the foregoing paragraphs 1 through 35 are incorporated into this Third Claim for Relief.

37. On July 1, 2014, U.S. Patent No. 8,763,907 (“the ’907 patent”), entitled “Bar Code Device,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’907 patent is attached as Exhibit 3.

38. The inventions of the ’907 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in the use of such bar codes by allowing the bar code to point to an address of a publicly available database, allowing increased flexibility in the information returned by the database

39. The claims of the ’907 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’907 patent recite one or more inventive concepts that are rooted in computer technology, and overcome problems specifically arising in the realm of computer technologies.

40. The claims of the ’907 patent recite an invention that is not merely the routine or conventional use of the Internet. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes can be achieved on a publicly available database. The ’907 patent claims thus specify how interactions with the Internet are manipulated to yield a desired result.

41. The technology claimed in the ’907 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

42. Accordingly, each claim of the ’907 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

43. Reflection Code is the assignee and owner of the right, title and interest in and to the ’907 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

44. Upon information and belief, Defendants have and continue to indirectly infringe one or more claims of the ’907 patent by making, using, selling, importing and/or providing and causing to be used by others, such as its partners and customers, products and/or services that incorporate a barcode device associated with said products and/or services along with related computer system(s) including IP systems and related functionality, which products by way of example include Defendants’ retail consumer products and/or marketing materials.

45. Defendants were made aware of the infringement of the ’907 patent at least as early as the filing of this Complaint.

46. Upon information and belief, since at least the time Defendants received notice, Defendants have induced and continue to induce others to infringe at least one claim of the ’907 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants’ partners and customers, whose use of the barcode device incorporated into the Accused Instrumentalities constitutes direct infringement of at least one claim of the ’907 patent.

47. In particular, Defendants' actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '907 patent and knowledge that its acts were inducing infringement of the '907 patent since at least the date Defendants received notice that such activities infringed the '907 patent.

48. Upon information and belief, Defendants are liable as a contributory infringer of the '907 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate a barcode device, as described above to be especially made or adapted for use in an infringement of the '907 patent. The barcode device incorporated into the Accused Instrumentalities is a material component for use in practicing the '907 patent and is specifically made and is not a staple article of commerce suitable for substantial non-infringing use.

49. Reflection Code has been harmed by Defendants' infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Reflection Code demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Reflection Code demands judgment for itself and against Defendants as follows:

A. An adjudication that Defendants have infringed the '657 patent, the '446 patent, and the '907 patent;

B. An award of damages to be paid by Defendants adequate to compensate Reflection Code for Defendants' past infringement of the '657 patent, the '446 patent the '907 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Reflection Code of such further relief at law or in equity as the Court deems just and proper.

Dated: Sept. 11, 2015

DEVLIN LAW FIRM LLC

/s/ Robert Kiddie

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