

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

SYMBOLOGY INNOVATIONS, LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
LIFELOCK, INC.	§	
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Symbology Innovations, LLC (“Plaintiff” or “Symbology”) files this Complaint against Lifelock, Inc. (“Defendant” or “Lifelock”) for infringement of United States Patents No. 8,424,752, No. 8,651,369, and No. 8,936,190 (hereinafter “the ‘752 Patent,” “the ‘369 Patent,” and “the ‘190 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 is a Texas limited liability company with its principal office located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

4. On information and belief, is a Delaware corporation having a principal place of business at 60 E Rio Salado Pkwy Suite 400 Tempe, AZ 85281.

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

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

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

COUNT I (INFRINGEMENT OF UNITED STATES PATENT NO. 8,424,752)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

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

10. Plaintiff is the owner by assignment of the '752 Patent with sole rights to enforce the '752 Patent and sue infringers.

11. A copy of the '752 Patent, titled "System and Method for Presenting Information about an Object on a Portable Electronic Device," is attached hereto as Exhibit A.

12. The '752 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '752 Patent by using and/or incorporating

Quick Response Codes (QR codes) in advertising for its services in a manner covered by one or more claims of the '752 Patent. Defendant has infringed and continues to infringe the '752 Patent in violation of 35 U.S.C. § 271.

14. On information and belief, Defendant has, at least through internal testing, used or incorporated QR codes in advertising, associating such QR codes with products and/or services. One specific example of Defendant's activity involves the use of QR codes in connection with its identity theft protection services.

15. For example, on information and belief, Defendant has at least internally tested the functionality of its QR codes in connection with its identity theft protection services. On information and belief, Defendant has captured a digital image of a QR code associated with this service as provided in advertising mailers, an example of which is shown below.

Dear Leigh,

The risk of having your identity stolen and your bank account emptied may be getting worse. It's becoming easier for bad guys to exploit holes on-line and disrupt your life.

You can get identity protection from LifeLock.

That's why I'm offering you a LifeLock Standard™ Trial Membership
FREE* for the next 30 days plus 10% OFF and earn up to 3,000 TrueBlue points**
when you call **1-888-258-9188** or visit **LifeLock.com** and use **Promo Code TRUEBLUE13**.

~~After your FREE* 30-Day Trial period, continued LifeLock protection is yours at only \$8.99 per month (plus tax), a 10% discount. That's a remarkable value on identity protection.~~

I've enclosed a temporary membership card, plus a sticker you can attach to your mailbox—one of the many places identity thieves can look to find your personal information. They steal credit card offers and checks right out of the mail!

LifeLock searches over a trillion data points for threats to your identity.

You could try to do all this by yourself—but wouldn't it be better to have LifeLock do it for you? After all, LifeLock can help protect you in ways you may not be able to protect yourself. It may not be physically possible for you to monitor thousands of sites for each of your accounts the way we do.

You may have protection for your home. You may have protection for your car. But you also need to start helping protect your identity today! According to one expert, "it's becoming more acute. If you're not a data breach victim, you're not paying attention."

It just takes minutes to get started—and you'll have protection immediately.

Sincerely,



Hilary A. Schneider, President, LifeLock, Inc.

Scan with a Smartphone
for product information
and purchasing.



P.S. Start helping protect your vital personal information today. Call **1-888-258-9188** or visit **LifeLock.com** and use **Promo Code TRUEBLUE13** now—and get your FREE* 30-Day Trial plus 10% OFF and earn up to

16. Defendant's mailer inform users that they can scan the QR through their smartphone to obtain product information. On information and belief, at least through internal testing, Defendant has used a digital image capturing device of a portable electronic device, such as the camera component of a smart phone for example, to capture a digital image of the QR code associated with its identity theft protection services.

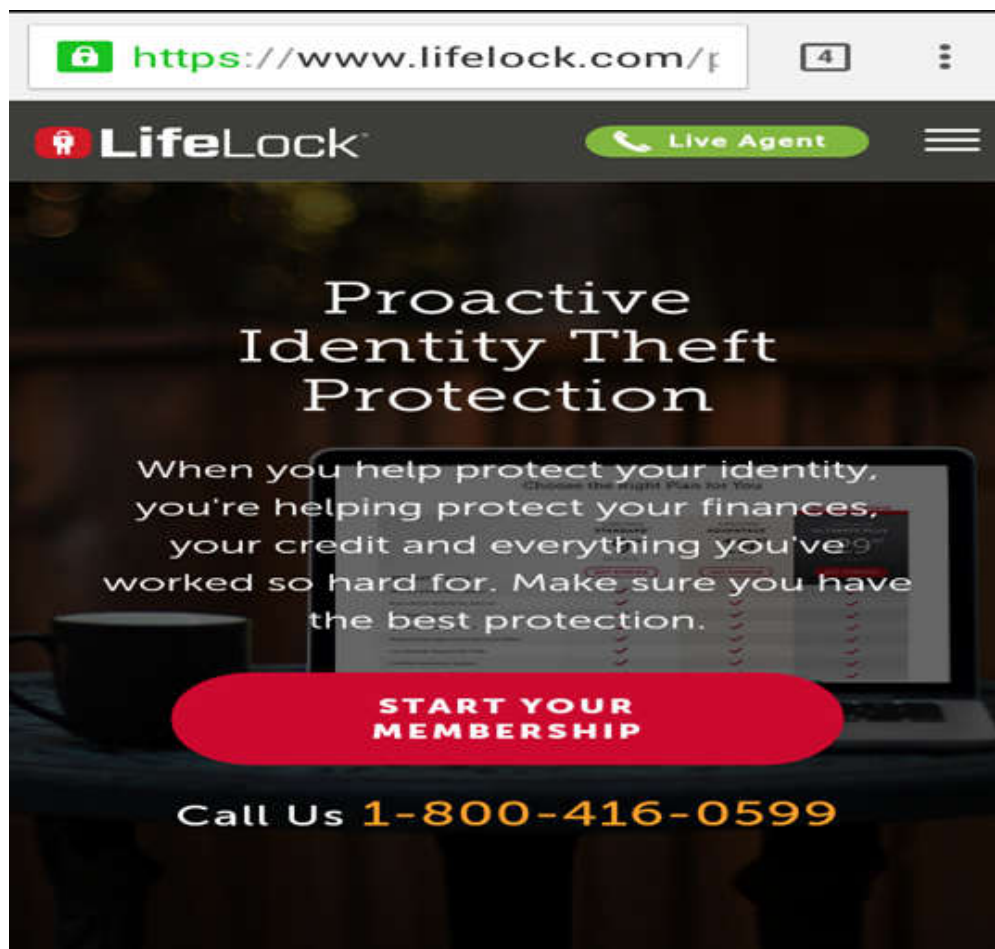
17. On information and belief, Defendant's capture of the digital image is processed by scanning technology loaded onto the portable electronic device. The scanning technology detects symbology (for example, a pattern within the QR code) associated with an object (for

example, the QR code itself). On information and belief the scanning technology is used to decode the symbology to obtain a decode string. The decode string is sent to a remote server for further processing. Based on the decode string, the remote server sends information associated with the QR code, which is received by the user of the portable electronic device and displayed on a display associated with the portable electronic device.

18. For example, if a user scans a QR code associated with advertising for Defendant's identity theft protection services, scanning technology decodes the pattern of the QR code to obtain a decode string and sends the decode string to a remote server. The server returns information associated with the QR code. In this example, the information received by the user and displayed on the portable electronic device is information about Defendant's identity theft protection services, including a website providing additional information about the service. The information is illustrated, for example, with a website at:

<https://www.lifelock.com/products/>

and the information displayed is illustrated by the partial screen shot below.



19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

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

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

COUNT II
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,651,369)

22. Plaintiff incorporates paragraphs 1 through 21 herein by reference.

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

24. Plaintiff is the owner by assignment of the '369 Patent with sole rights to enforce the '369 Patent and sue infringers.

25. A copy of the '369 Patent, titled "System and Method for Presenting Information about an Object on a Portable Electronic Device," is attached hereto as Exhibit B.

26. The '369 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

27. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '369 Patent by using and/or incorporating Quick Response Codes (QR codes in advertising for its services in a manner covered by one or more claims of the '369 Patent. Defendant has infringed and continues to infringe the '369 Patent in violation of 35 U.S.C. § 271.

28. On information and belief, Defendant has, at least through internal testing, used or incorporated QR codes in advertising, associating such QR codes with products and/or services. One specific example of Defendant's activity involves the use of QR codes in connection with its identity theft protection services.

29. For example, on information and belief, Defendant has at least internally tested the functionality of its QR codes in connection with its identity theft protection services. On information and belief, Defendant has captured a digital image of a QR code associated with its identity theft protection services in advertising mailers, an example of which is shown below.

Dear Leigh,

The risk of having your identity stolen and your bank account emptied may be getting worse. It's becoming easier for bad guys to exploit holes on-line and disrupt your life.

You can get identity protection from LifeLock.

**That's why I'm offering you a LifeLock Standard™ Trial Membership
FREE* for the next 30 days plus 10% OFF and earn up to 3,000 TrueBlue points**
when you call 1-888-258-9188 or visit LifeLock.com and use Promo Code TRUEBLUE13.**

~~After your FREE* 30-Day Trial period, continued LifeLock protection is yours at only \$8.99 per month (plus tax), a 10% discount. That's a remarkable value on identity protection.~~

I've enclosed a temporary membership card, plus a sticker you can attach to your mailbox—one of the many places identity thieves can look to find your personal information. They steal credit card offers and checks right out of the mail!

LifeLock searches over a trillion data points for threats to your identity.

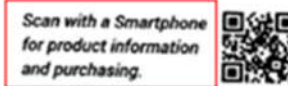
You could try to do all this by yourself—but wouldn't it be better to have LifeLock do it for you? After all, LifeLock can help protect you in ways you may not be able to protect yourself. It may not be physically possible for you to monitor thousands of sites for each of your accounts the way we do.

You may have protection for your home. You may have protection for your car. But you also need to start helping protect your identity today! According to one expert, "it's becoming more acute. If you're not a data breach victim, you're not paying attention."

It just takes minutes to get started—and you'll have protection immediately.

Sincerely,

Hilary A. Schneider, President, LifeLock, Inc.



P.S. Start helping protect your vital personal information today. Call 1-888-258-9188 or visit LifeLock.com and use **Promo Code TRUEBLUE13** now—and get your FREE* 30-Day Trial plus 10% OFF and earn up to

30. Defendant's mailer informs users that they can scan the QR code through their smartphone to obtain additional information about the service. On information and belief, at least through internal testing, Defendant has used a digital image capturing device of a portable electronic device, such as the camera component of a smart phone for example, to capture a digital image of the QR code associated with Defendant's identity theft protection services.

31. On information and belief, Defendant's capture of the digital image is processed by scanning technology loaded onto the portable electronic device. The scanning technology detects symbology (for example, a pattern within the QR code) associated with the digital

image. On information and belief the scanning technology is used to decode the symbology to obtain a decode string. The decode string is sent to a remote server for further processing. Based on the decode string, the remote server sends information associated with the QR code, which is received by the user of the portable electronic device and displayed on a display associated with the portable electronic device.

32. For example, if a user scans a QR code associated with advertising for Defendant's identity theft protection services, scanning technology decodes the pattern of the QR code to obtain a decode string and sends the decode string to a remote server. The server returns information associated with the QR code. In this example, the information received by the user and displayed on the portable electronic device is information about Defendant's identity theft protection services including a webpage providing additional information about the service. The information is illustrated, for example, with a website at:

<https://www.lifelock.com/products/>

and the information displayed is illustrated by the partial screen shot below.



33. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

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

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

COUNT III
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,936,190)

36. Plaintiff incorporates paragraphs 1 through 35 herein by reference.

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

38. Plaintiff is the owner by assignment of the '190 Patent with sole rights to enforce the '190 patent and sue infringers.

39. A copy of the '190 Patent, titled "System and Method for Presenting Information about an Object on a Portable Electronic Device," is attached hereto as Exhibit C.

40. The '190 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

41. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '190 Patent by using and/or incorporating Quick Response Codes (QR codes) in advertising for its services in a manner covered by one or more claims of the '190 Patent. Defendant has infringed and continues to infringe the '190 Patent in violation of 35 U.S.C. § 271.

42. On information and belief, Defendant has, at least through internal testing, used or incorporated QR codes in advertising, associating such QR codes with products and/or services. One specific example of Defendant's activity involves the use of QR codes in connection with its identity theft protection services.

43. For example, on information and belief, Defendant has at least internally tested the functionality of its QR codes in connection with its identity theft protection services. On information and belief, Defendant has captured a digital image of a QR code associated with identity theft protection services advertised in mailers, an example of which is shown below.

Dear Leigh,

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You can get identity protection from LifeLock.

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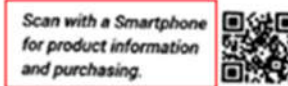
You could try to do all this by yourself—but wouldn't it be better to have LifeLock do it for you? After all, LifeLock can help protect you in ways you may not be able to protect yourself. It may not be physically possible for you to monitor thousands of sites for each of your accounts the way we do.

You may have protection for your home. You may have protection for your car. But you also need to start helping protect your identity today! According to one expert, "It's becoming more acute. If you're not a data breach victim, you're not paying attention."

It just takes minutes to get started—and you'll have protection immediately.

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Hilary A. Schneider, President, LifeLock, Inc.



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44. Defendant's mailer in informs users that they can scan the QR code through their smartphone to obtain additional information about the service. On information and belief, at least through internal testing, Defendant has used a digital image capturing device of an electronic device, such as the camera component of a smart phone for example, to capture a digital image of the QRs code(s) associated with Defendant's identity theft protection services.

45. On information and belief, Defendant's capture of the digital image is processed by scanning technology loaded onto the electronic device. The scanning technology detects symbology (for example, a pattern within the QR code) associated with the digital image. On

information and belief the scanning technology is used to decode the symbology to obtain a decode string. The decode string is sent to a remote server for further processing. Based on the decode string, the remote server sends information associated with the QR code, which is received by the user of the electronic device and displayed on a display associated with the electronic device.

46. For example, if a user scans a QR code in the advertising associated with Defendant's identity theft protection services, scanning technology decodes the pattern of the QR code to obtain a decode string and sends the decode string to a remote server. The server returns information associated with the QR code. In this example, the information received by the user and displayed on the electronic device is information about Defendant's identity theft protection services including a website providing additional information about the service. The information is illustrated, for example, with a website at:

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47. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

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

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

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

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patents No. 8,424,752, No. 8,651,369, and No. 8,936,190 (or, in the alternative, awarding Plaintiff running royalties from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 28, 2016

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A

EXHIBIT B

EXHIBIT C