

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

SYMBOLGY INNOVATIONS, LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
AT&T MOBILITY LLC, and	§	
AT&T SERVICES, INC.	§	
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Symbology Innovations, LLC (“Plaintiff” or “Symbology”) files this Complaint against AT&T Mobility LLC (“AT&T Mobility”) and AT&T Services, Inc. (“AT&T Services”) (collectively “Defendants” or “AT&T”) 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, Defendant AT&T Mobility is a Delaware limited

liability company with a principal place of business at 1025 Lennox Park Boulevard, Atlanta, Georgia 30319.

5. On information and belief, Defendant AT&T Services is a Delaware corporation with a principal place of business at 208 S. Akard St, Dallas, Texas 75202.

6. 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.

7. Upon information and belief, Defendants' 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

8. 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. 8,424,752)**

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

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

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

12. 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.

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

14. Upon information and belief, Defendants have infringed and continue 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 printed media associated with its products and services in a manner covered by one or more claims of the '752 Patent. Defendants have infringed and continues to infringe the '752 Patent in violation of 35 U.S.C. § 271.

15. On information and belief, Defendants have, at least through internal testing, used or incorporated QR codes in printed media, associating such QR codes with products and/or services. One specific example of Defendants' activity involves the use of QR codes on envelopes used to mail monthly statements to customers.

16. For example, on information and belief, Defendants have at least internally tested the functionality of its QR codes in connection with its use of QR codes on envelopes and associated with Defendants' products and services. On information and belief, Defendants have captured a digital image of a QR code on its envelopes, an example of which is shown below.



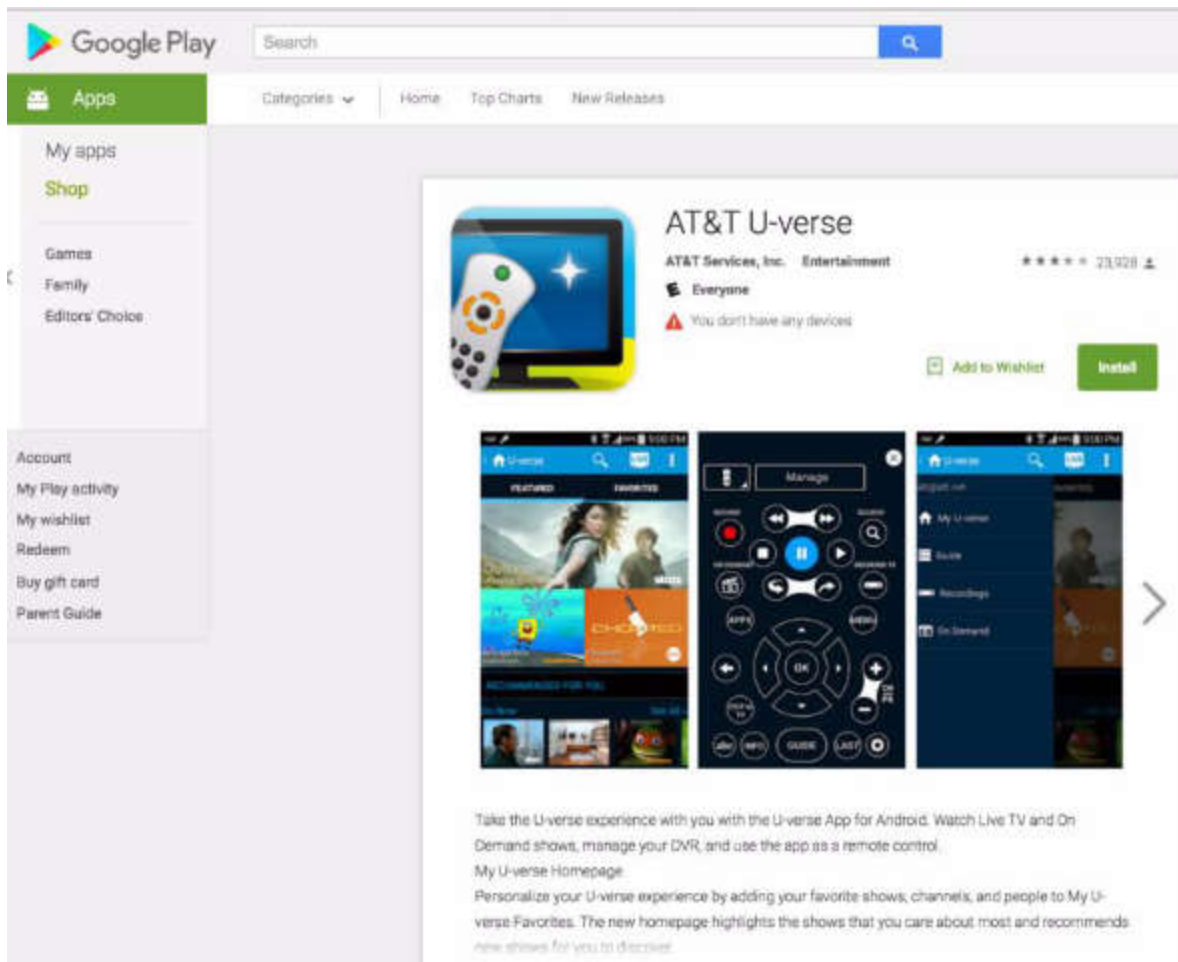
17. Defendants' media informs users that they can scan the QR through their smartphone to obtain product information. On information and belief, at least through internal testing, Defendants have used a digital image capturing device of a portable electronic device, such as the camera component of a smart phone for example, to capture a digital image of the QR code associated with its products and product literature.

18. On information and belief, Defendants' 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.

19. For example, if a user scans a QR code associated with Defendants' envelopes, 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 Defendants' products, such as U-Verse and AT&T apps, and includes a website providing additional information about the products. The information is illustrated, for example, on the following website:

<https://play.google.com/store/apps/details?id=com.att.android.uverse&hl=en>.

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



20. Defendants' actions complained of herein will continue unless Defendants are enjoined by this court.

21. 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.

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

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

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

24. This cause of action arises under the patent laws of the United States and, in

particular, under 35 U.S.C. §§ 271, *et seq.*

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

26. 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.

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

28. Upon information and belief, Defendants have infringed and continue 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 printed media associated with its products and services in a manner covered by one or more claims of the '369 Patent. Defendants have infringed and continues to infringe the '369 Patent in violation of 35 U.S.C. § 271.

29. On information and belief, Defendants have, at least through internal testing, used or incorporated QR codes in printed media, associating such QR codes with products and/or services. One specific example of Defendants' activity involves the use of QR codes on envelopes used to mail monthly statements to customers.

30. For example, on information and belief, Defendants have at least internally tested the functionality of its QR codes in connection with its use of QR codes on envelopes and associated with Defendants' products and services. On information and belief, Defendants have captured a digital image of a QR code on its envelopes, an example of which is shown below.



31. Defendants' media informs users that they can scan the QR through their smartphone to obtain product information. On information and belief, at least through internal testing, Defendants have 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 products and product literature.

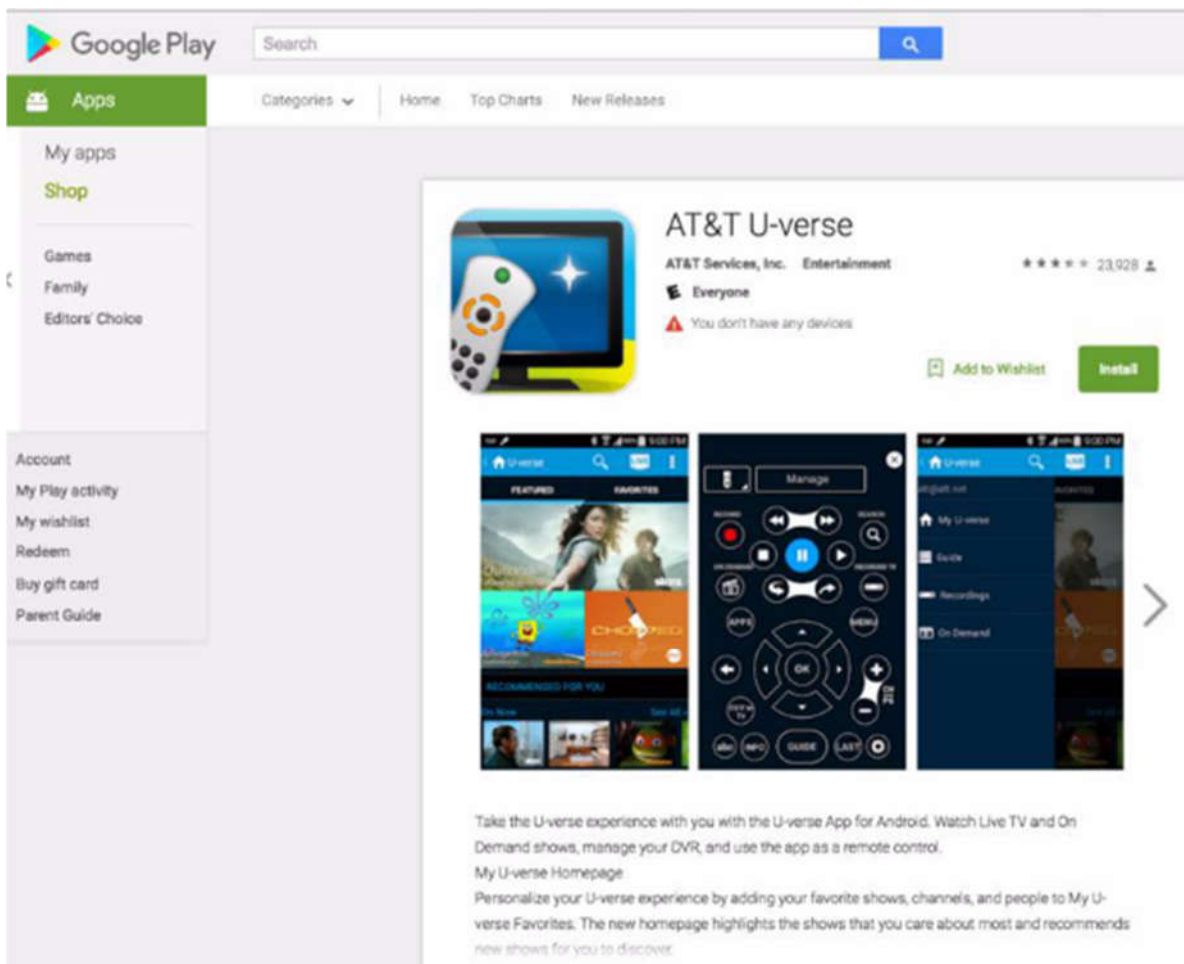
32. On information and belief, Defendants' capture of the digital image is processed by scanning technology loaded onto the portable electronic device. The scanning technology detects symbology (for example, a pattern within the QR code) associated with an object (for example, the QR code itself). On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

33. For example, if a user scans a QR code associated with Defendants' envelopes, 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 Defendants' products, such as U-Verse and AT&T apps, and includes a website providing additional information about the products. The information is illustrated, for example, on the following website:

<https://play.google.com/store/apps/details?id=com.att.android.uverse&hl=en>

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



34. Defendants' actions complained of herein will continue unless Defendants are enjoined by this court.

35. 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.

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

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

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

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

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

40. 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.

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

42. Upon information and belief, Defendants have infringed and continue 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 printed media associated with its products and services in a manner covered by one or more claims of the ‘190 Patent. Defendants have infringed and continues to infringe the ‘190 Patent in violation of 35 U.S.C. § 271.

43. On information and belief, Defendants have, at least through internal testing, used or incorporated QR codes in printed media, associating such QR codes with products and/or services. One specific example of Defendants’ activity involves the use of QR codes on envelopes used to mail monthly statements to customers.

44. For example, on information and belief, Defendants have at least internally tested

the functionality of its QR codes in connection with its use of QR codes on envelopes and associated with Defendants' products and services. On information and belief, Defendants have captured a digital image of a QR code on its envelopes, an example of which is shown below.



45. Defendants' media informs users that they can scan the QR through their smartphone to obtain product information. On information and belief, at least through internal testing, Defendants have 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 products and product literature.

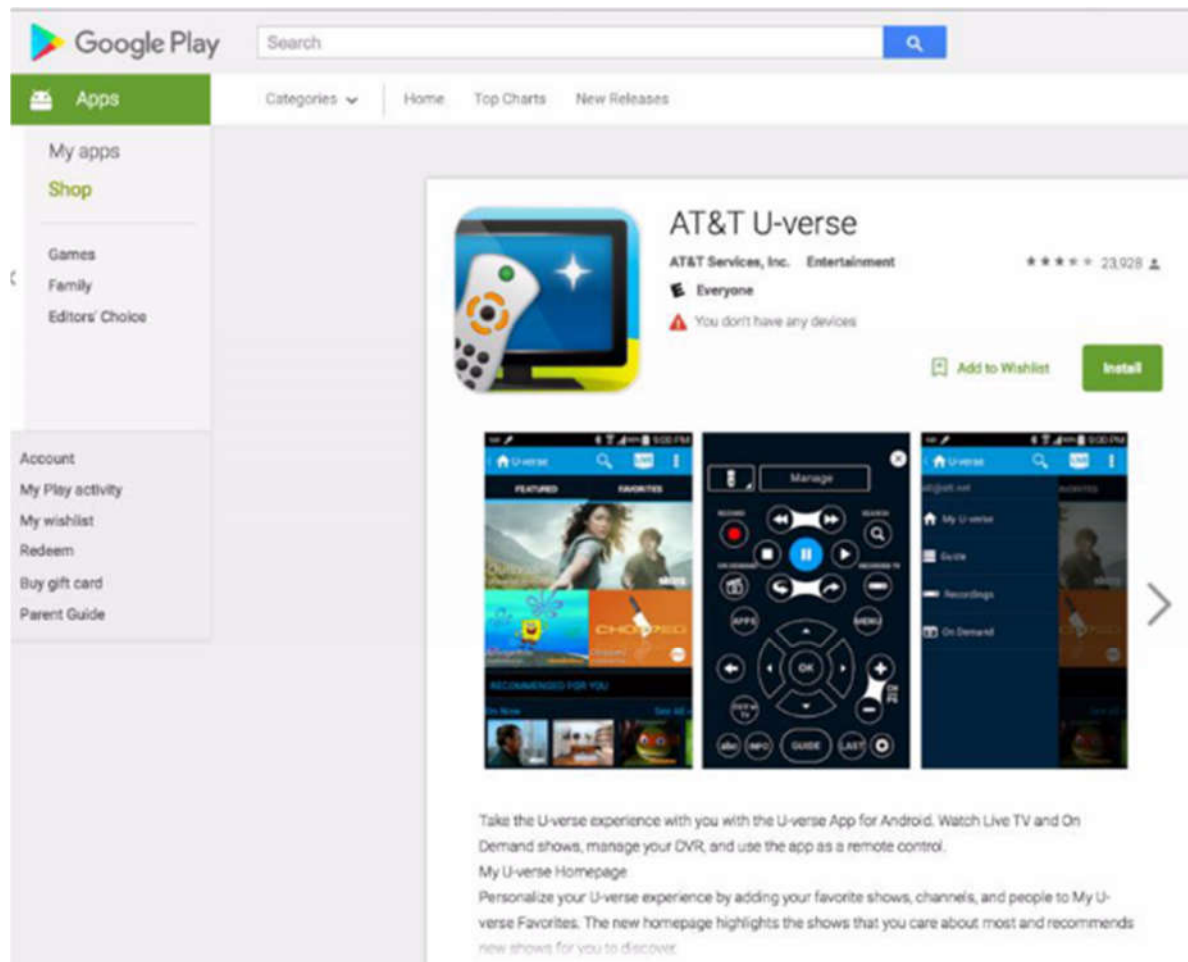
46. On information and belief, Defendants' capture of the digital image is processed by scanning technology loaded onto the portable electronic device. The scanning technology detects symbology (for example, a pattern within the QR code) associated with an object (for example, the QR code itself). On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

47. For example, if a user scans a QR code associated with Defendants' envelopes, 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 Defendants' products, such as U-Verse and AT&T apps, and includes a website providing additional information about the products. The information is illustrated, for example, on the following website:

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



48. Defendants' actions complained of herein will continue unless Defendants are enjoined by this court.

49. 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.

50. 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 Defendants, its 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 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 Defendants' 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: June 7, 2016

Respectfully submitted,

/s/ Jay Johnson

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EXHIBIT A

EXHIBIT B

EXHIBIT C