

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 0:16-cv-61728

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff

v.

BEST BUY CO., INC.,
BESTBUY.COM, LLC, and
BEST BUY STORES, L.P.,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff Symbology Innovations, LLC (“Plaintiff” or “Symbology”) files this Complaint against Best Buy Co., Inc. (“BBC”); Bestbuy.com, LLC (“BB.com”), and Best Buy Stores, L.P. (“BBS”) (collectively “Defendants” or “Best Buy”) 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, JURISDICTION AND VENUE

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.

SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC
4651 NORTH FEDERAL HIGHWAY
BOCA RATON, FL 33431

4. On information and belief, Defendant BBC is a Minnesota corporation with a principal place of business at 7601 Penn Ave. South, Richfield, MN 55423. On information and belief, Defendant BB.com is a Virginia limited liability company with a principal place of business at 7601 Penn Ave., South, Richfield, MN 55423. On information and belief, Defendant BBS is a Virginia limited partnership with a principal place of business at 7601 Penn Ave. South, Richfield, MN 55423.

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

6. 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 Southern District of Florida.

7. Venue is proper in the Southern District of Florida 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)

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. On 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 advertising media in a manner covered by one or more claims of the ‘752 Patent. Defendants have infringed and continue to infringe the ‘752 Patent in violation of 35 U.S.C. § 271.

14. On information and belief, Defendants have, at least through internal testing, used or incorporated QR codes in advertising media, associating such QR codes with products and/or services. One specific example of Defendants’ activity involves the use of QR codes in Internet advertisements for Defendants’ “Best Buy Wedding Registry or Wish List” service (“Service”).

15. For example, on information and belief, Defendants have at least internally tested the functionality of its QR codes in connection with the Internet advertising of their Service. On information and belief, Defendants have captured a digital image of a QR code associated with such advertising, an example of which is shown below and may be viewed at:

<http://www.bestbuy.com/site/misc/mobile-app/pcmcat208500050016.c?id=pcmcat208500050016>



Scan Products in Store

Scan the QR code to find product information and build a Best Buy Wedding Registry or Wish List as you browse at a Best Buy store.

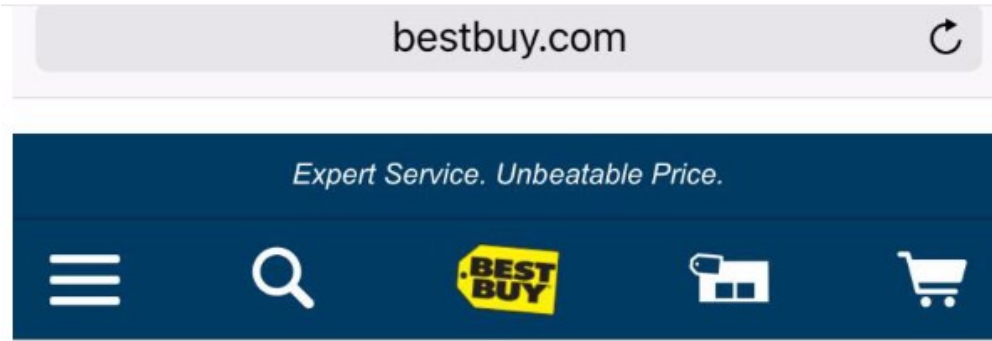
16. On information and belief, the Service allows consumers to scan QR codes on products in Defendants' stores and obtain additional information about those products. For example, one such product is illustrated below:



17. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain product information relating to the Service and scan QR codes on products in stores to obtain additional information regarding the products. 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 the advertisement their products.

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 the above-illustrated product, 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 additional information about the product as illustrated below:



[◀ See Laptop Bags & Cases](#)

Solo - Urban Convertible Laptop Briefcase Backpack - Gray

Model: UBN310-10 SKU: 3972016

★★★★★ 4.7 (461)



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 7 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. On 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 advertising media in a manner covered by one or more claims of the '369 Patent. Defendants have infringed and continue 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 advertising media, associating such QR codes with products and/or services. One specific example of Defendants' activity involves the use of QR codes in Internet advertisements for Defendants' "Best Buy Wedding Registry or Wish List" service ("Service").

30. For example, on information and belief, Defendants have at least internally tested the functionality of its QR codes in connection with the Internet advertising of their Service. On information and belief, Defendants have captured a digital image of a QR code

associated with such advertising, an example of which is shown below and may be viewed at:

<http://www.bestbuy.com/site/misc/mobile-app/pcmcat208500050016.c?id=pcmcat208500050016>



Scan Products in Store

Scan the QR code to find product information and build a Best Buy Wedding Registry or Wish List as you browse at a Best Buy store.

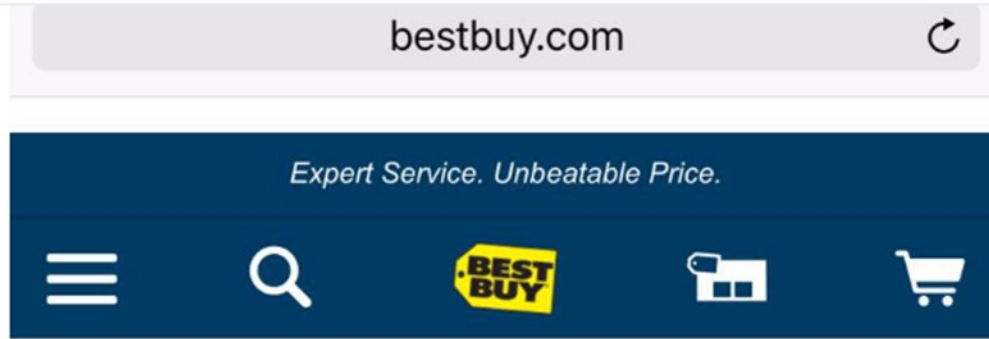
31. On information and belief, the Service allows consumers to scan QR codes on products in Defendants' stores and obtain additional information about those products. For example, one such product is illustrated below:



32. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain product information relating to the Service and scan QR codes on products in stores to obtain additional information regarding the products. 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 the advertisement their products.

33. 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.

34. For example, if a user scans a QR code associated with the above-illustrated product, 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 additional information about the product as illustrated below:



[◀ See Laptop Bags & Cases](#)

Solo - Urban Convertible Laptop Briefcase Backpack - Gray

Model: UBN310-10 SKU: 3972016

★★★★★ 4.7 (461)



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

36. 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.

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

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

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

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

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

41. 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 YM C.

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

43. On 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 advertising media in a manner covered by one or more claims of the '190 Patent. Defendants have infringed and continue to infringe the '190 Patent in violation of 35 U.S.C. § 271.

44. On information and belief, Defendants have, at least through internal testing, used or incorporated QR codes in advertising media, associating such QR codes with products and/or services. One specific example of Defendants' activity involves the use of QR codes in Internet advertisements for Defendants' "Best Buy Wedding Registry or Wish List" service ("Service").

45. For example, on information and belief, Defendants have at least internally tested the functionality of its QR codes in connection with the Internet advertising of their Service. On information and belief, Defendants have captured a digital image of a QR code

associated with such advertising, an example of which is shown below and may be viewed at:

<http://www.bestbuy.com/site/misc/mobile-app/pcmcat208500050016.c?id=pcmcat208500050016>



Scan Products in Store

Scan the QR code to find product information and build a Best Buy Wedding Registry or Wish List as you browse at a Best Buy store.

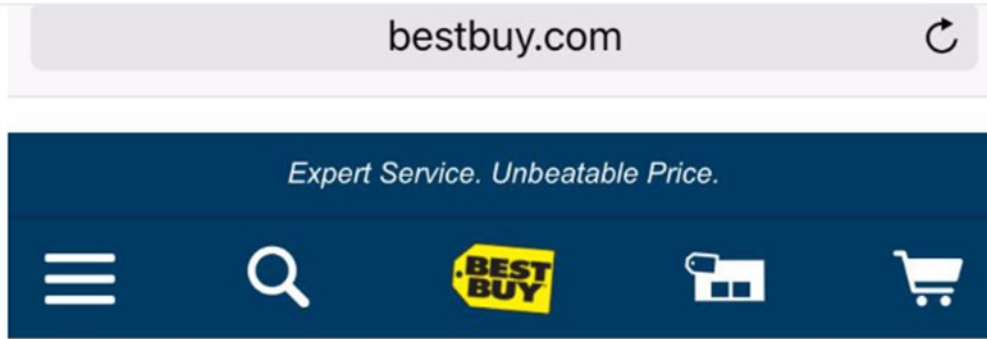
46. On information and belief, the Service allows consumers to scan QR codes on products in Defendants' stores and obtain additional information about those products. For example, one such product is illustrated below:



47. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain product information relating to the Service and scan QR codes on products in stores to obtain additional information regarding the products. 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 the advertisement their products.

48. 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.

49. For example, if a user scans a QR code associated with the above-illustrated product, 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 additional information about the product as illustrated below:



[◀ See Laptop Bags & Cases](#)

Solo - Urban Convertible Laptop Briefcase Backpack - Gray

Model: UBN310-10 SKU: 3972016

★★★★★ 4.7 (461)



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

51. 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.

52. 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, 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 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.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for all claims so triable.

Dated: July 20, 2016

Respectfully submitted,

/s/ Joel B. Rothman
JOEL B. ROTHMAN
Florida Bar Number 98220
Joel.rothman@sriplaw.com
JEROLD I. SCHNEIDER
Florida Bar Number 26975
Jerold.schneider@sriplaw.com

**SCHNEIDER ROTHMAN INTELLECTUAL
PROPERTY LAW GROUP, PLLC**

4651 North Federal Highway
Boca Raton, FL 33431
561.404.4350 – Telephone
561.404.4353 – Facsimile
Attorneys for Plaintiff

