

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

Case No.: 0:16-cv-61733

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff

v.

NEXTERA ENERGY, INC. and FLORIDA
POWER & LIGHT COMPANY,

Defendants.

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff Symbology Innovations, LLC (“Plaintiff” or “Symbology”) files this Amended Complaint against NextEra Energy, Inc. (“NextEra”) and Florida Power & Light Company (“FPL”) 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.

4. Defendant Nextera is a Florida corporation with its principal place of business at 700 Universe Blvd., Juno Beach, FL, 33408.

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

5. Defendant FPL is a Florida corporation with its principal place of business at 700 Universe Blvd., Juno Beach, FL, 33408.

6. 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.

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 Southern District of Florida.

8. 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)

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. 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 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 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 area improvements to the electric system ("Service").

16. 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 its 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.nexteraenergy.com/pdf/profile.pdf>

Our Technology Is Leading Edge

We're also investing in advanced technology to make the electric grid smarter. These upgrades prevent many outages and, if the power does go out, helps us restore service faster. These technologies, including smart meters and automated switches, are improving reliability by:

- » Identifying and diagnosing equipment issues early so we can service them proactively, preventing many power outages before they occur.
- » Automatically rerouting electricity around trouble spots, confining power outages to smaller areas.
- » Pinpointing the location of power outages quickly — often before customers call to report them — so we can restore power faster.

To view electric system improvements in your area, scan the QR code here with your smart device:

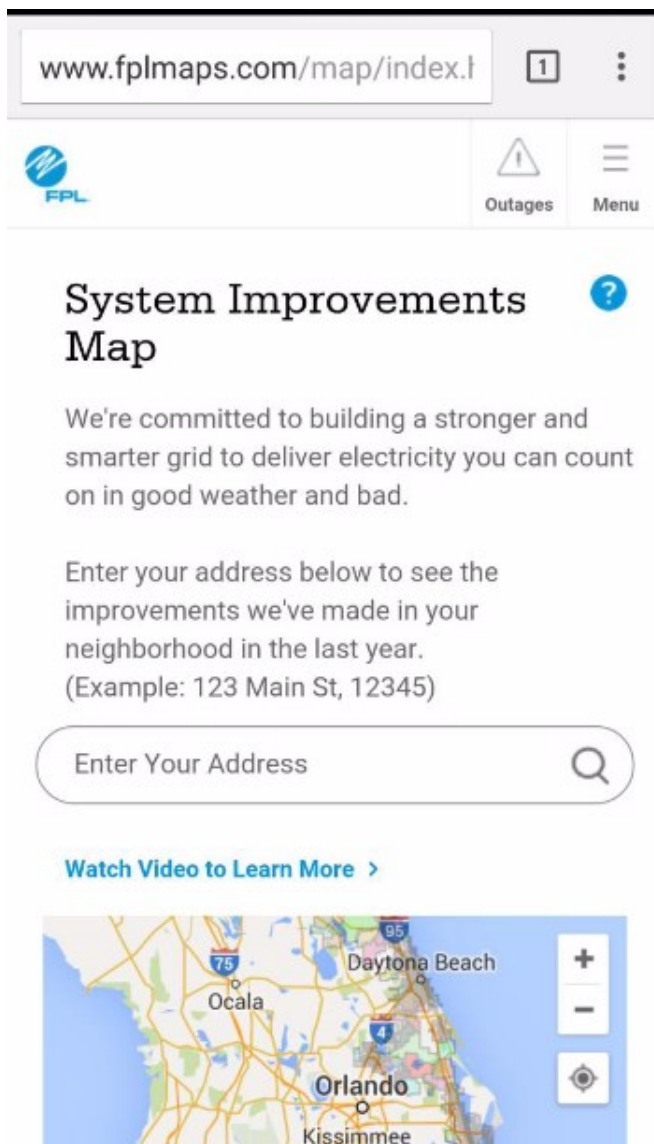


17. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain information relating to the Service. On information and belief, at least through internal testing, Defendants have used a digital image capturing device of a portable electronic 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 its Service.

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 advertising of the Service, 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 Service as illustrated 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 8 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.

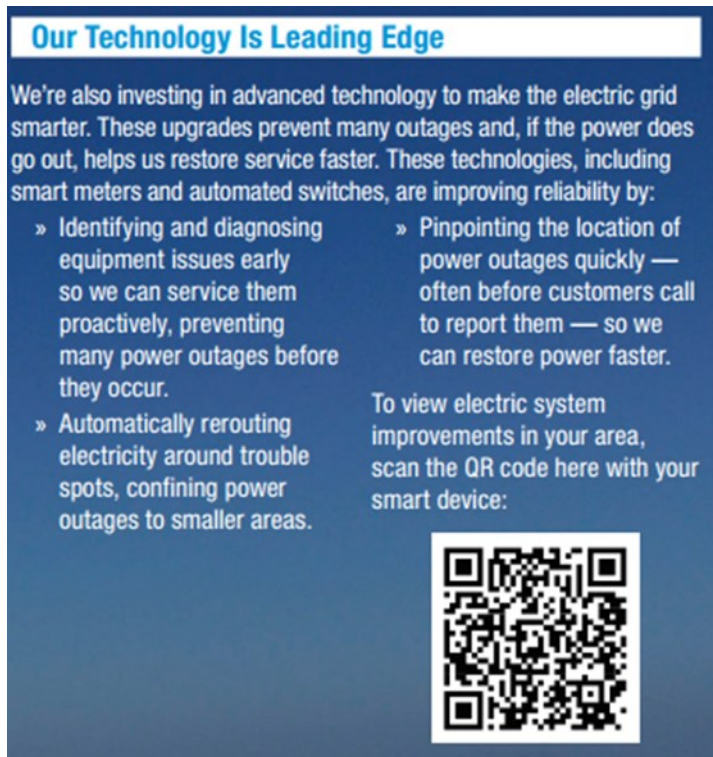
28. On information and belief, Defendants have infringed and continue to infringe one or more claims, including at least Claim 1, of the '369 Patent by using and/or incorporating Quick Response Codes (QR codes) in advertising media in a manner covered by one or more claims of the '369 Patent. Defendants 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 area improvements to the electric system ("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 its 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.nexteraenergy.com/pdf/profile.pdf>

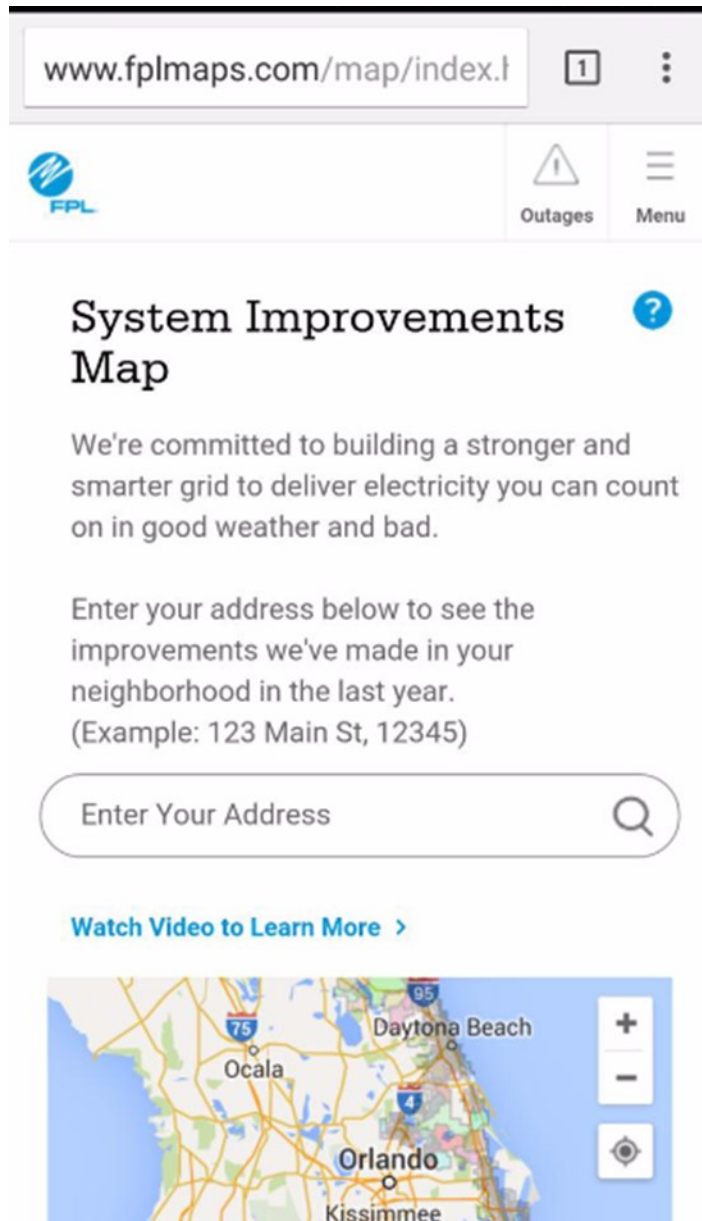


31. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain information relating to the Service. On information and belief, at least through internal testing, Defendants have used a digital image capturing device of a portable electronic 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 its Service.

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 the advertising of the Service, 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 Service as illustrated 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 8 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.

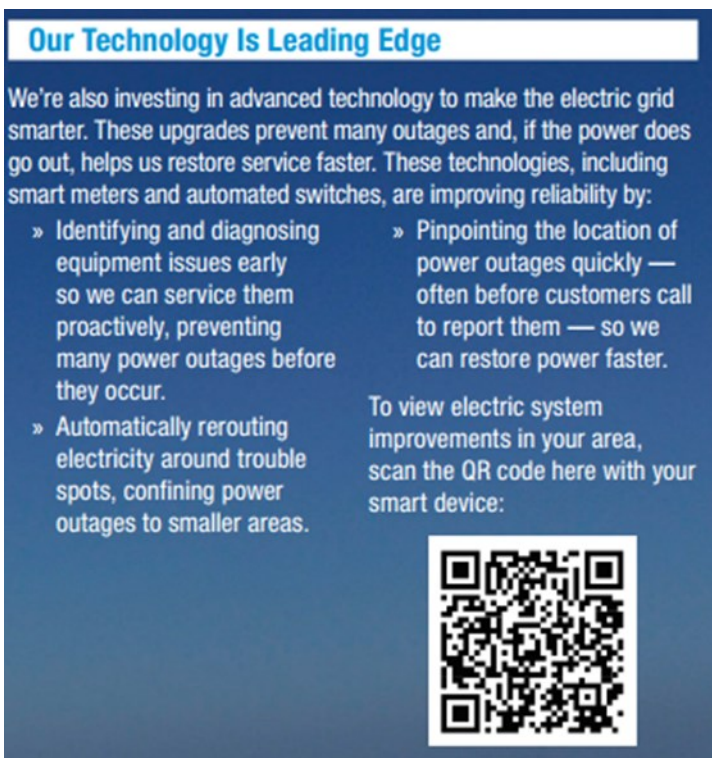
42. On information and belief, Defendants have infringed and continue to infringe one or more claims, including at least Claim 1, of the ‘190 Patent by using and/or incorporating Quick Response Codes (QR codes) in advertising media in a manner covered by one or more claims of the ‘190 Patent. Defendants have infringed and continue to infringe the ‘190 Patent in violation of 35 U.S.C. § 271.

43. 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 area improvements to the electric system (“Service”).

44. 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 its 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.nexteraenergy.com/pdf/profile.pdf>

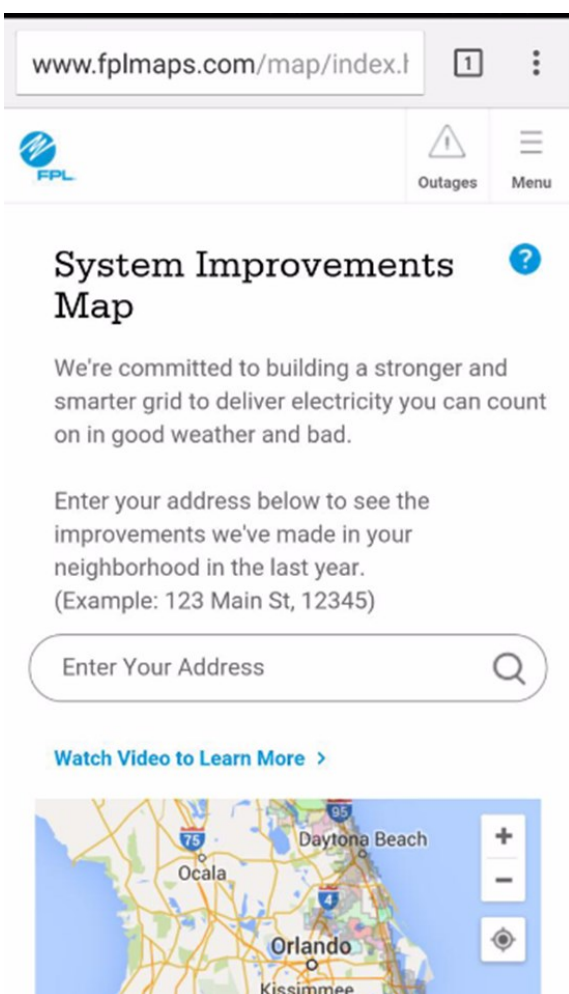


45. On information and belief, Defendants' advertisement informs users that they can scan the QR through their smartphone to obtain information relating to the Service. On information and belief, at least through internal testing, Defendants have used a digital image capturing device of a portable electronic 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 its Service.

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 the advertising of the Service, 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 Service as illustrated 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, 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: August 30, 2016

Respectfully submitted,

/s/ Joel B. Rothman

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 30, 2016, a true and correct copy of the foregoing document was sent via electronic mail by the Court's CM/ECF system to all parties listed below on the Service List.

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