

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

VISUAL CONTENT IP, LLC,

Plaintiff,

v.

SUNVALLEYTEK INTERNATIONAL, INC.,

Defendant.

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Civil Action No. 2:17-cv-00108

Jury Trial Demanded

**PLAINTIFF VISUAL CONTENT IP, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Visual Content IP, LLC files this Complaint for patent infringement against Defendant Sunvalleytek International, Inc., and alleges as follows:

PARTIES

1. Plaintiff Visual Content IP, LLC (“Visual Content”) is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 1400 Preston Road, Suite 487, Plano, Texas 75093.

2. Defendant Sunvalleytek International, Inc. (“Sunvalleytek”) is a corporation organized and existing under the laws of the State of California with its principal place of business located at 46724 Lakeview Blvd, Fremont, California. Sunvalleytek may be served with process through its registered agent Yingping Wang, 371 Mindanao Drive, Redwood City, California 94065.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Sunvalleytek is subject to the specific personal jurisdiction of this Court's because Visual Content's claims for patent infringement against Sunvalleytek arise from Sunvalleytek's acts of infringement in the State of Texas. These acts of infringement include selling infringing products in the State of Texas, placing infringing products into the stream of commerce through an established distribution channel with full awareness that substantial quantities of the products have been shipped into the State of Texas, and operating an interactive website facilitating the sale of infringing products in the State of Texas, and inducing infringement of Plaintiff's patents in the State of Texas. Therefore, this Court has personal jurisdiction over Sunvalleytek under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Sunvalleytek has engaged in acts of infringement in the State of Texas described above sufficient to subject it to personal jurisdiction in this district if the district were a separate State.

ASSERTED PATENTS

7. On February 26, 2013, the United States Patent and Trademark Office issued United States Patent No. 8,384,947 ("the '947 Patent") entitled "Handheld scanner and system comprising same," a true copy of which is attached as Exhibit 1.

8. On April 8, 2014, the United States Patent and Trademark Office issued United States Patent No. 8,693,047 ("the '047 Patent") entitled "Image capture unit and computer readable medium used in combination with same," a true copy of which is attached as Exhibit 2.

9. The '947 Patent and the '047 Patent (collectively, "the Asserted Patents") were invented by Albert Durr Edgar, Darryl Ray Polk, Michael David Wilkes, Sheppard Parker, Martin Potucek, and Michael Charles Wilder, all from Central Texas. The original assignee of the Asserted Patents was Image Trends, Inc., of Austin, Texas. Visual Content is the owner by assignment of the Asserted Patents and owns all right, title, and interest in the Asserted Patents, including the right to sue for and recover all past, present, and future damages for infringement.

ACCUSED INSTRUMENTALITIES

10. Sunvalleytek has made, imported, used, offered for sale, and/or sold certain handheld portable scanners under the brand or trademark TaoTronics® ("Wand Scanners"), which infringe the Asserted Patents.

FIRST CLAIM FOR RELIEF (Infringement of the '947 Patent)

11. Visual Content incorporates paragraphs 1 through 10 as though fully set forth herein.

12. Upon information and belief, Sunvalleytek has been and is now directly and/or indirectly infringing one or more claims of the '947 Patent by (1) making, importing, using, offering for sale, and/or selling the Wand Scanners and/or (2) by actively inducing others to use the Wand Scanners in an infringing manner.

13. More particularly, without limitation, upon information and belief, Defendant is now directly infringing one or more claims of the '947 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Wand Scanners, all in violation of 35 U.S.C. § 271(a). The Wand Scanners include the image processing system and perform the method described and claimed in the '947 Patent. The following is a representative description of how the Wand Scanners infringe representative Claim 17 of the '947 Patent. This

description is made without benefit of access to the software and schematics describing the Wand Scanners, which would allow for greater specificity in identifying the particular features of the Wand Scanners that embody the claimed inventions.

14. A Wand Scanner comprises a scanner system. For example, a representative Wand Scanner is described as follows:



“The TaoTronics Choice: With our high rating top barcode scanners, TaoTronics is the first choice for over 1.3 million Amazon customers

Portable, handheld scanner suitable businessmen, students, travelers and amateur archivists

Permanently archive all your documents digitally - convert your color or black & white photos, receipts and books into digital files

Scan images with up to 1050 DPI resolution and save them directly to a SD memory card; rechargeable 700mAh lithium battery lets you bring it anywhere

Comes with Optical Character Recognition (OCR) software so you can convert and edit your scans”

<https://www.taotronics.com/TT-DS011-color-document-scanner.html>

6. Specifications











Image sensor	A4 Color Contact Image Sensor
Resolution	Low resolution : 300x300 dpi Medium resolution: 600x600 dpi High resolution: 1050x1050 dpi

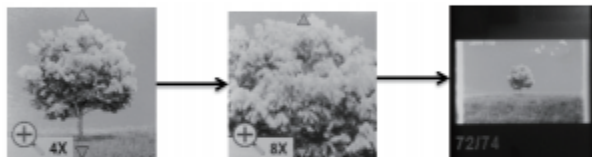
[https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf)








This description indicates that the representative Wand Scanner can perform high resolution color scans with an “A4 Color Contact Image Sensor.”




15. A Wand Scanner includes a processor for image capture. The image below shows that the Wand Scanner has multiple functions (e.g., display image, zoom image displayed, delete image, etc.), indicating that the Wand Scanner has a processor.

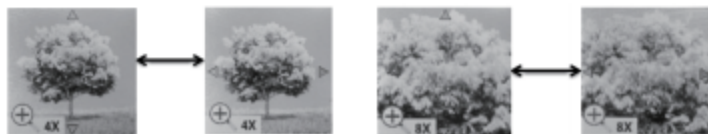
4.5. How to Playback Image

- Press  to enter Playback mode. The last scanned image will be displayed.
- Press  or  to select your desired image. Press  to zoom in the image.
- The  and  indicators will appear on the screen when pressing  at step 2, press  to view the upper portion of the image, press  to view the lower portion of the image.
- Press  to change the zoom times between 4x, 8x and normal.










- The  and  indicators will appear on the screen when pressing  again. The functions of  and  will be shifted to LEFT and RIGHT and you can press  or  button to view the left or right portion of the image.

Note: When zooming in under Playback mode (4x, 8x), you may choose to view upper/lower or left/right portion of the image by pressing  to shift the functions of  and  between UP/DOWN and LEFT/RIGHT according to your needs.



4.6. Delete Single File

- Press  to enter Playback mode.
- Press  or  to select the file you want to delete.
- Press  to enter Delete File mode.
- Press  or  to select Yes or No Select "Yes" to delete the current file in the MicroSD card; Select "No" to return to previous Playback screen.
- Press  to confirm your selection and return to the previous Playback screen.

[https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf)

16. The Sunvalleytek handheld scanners or Wand Scanners have memory (e.g., ROM, RAM) coupled to the processor for image capture. In the image below, maximum scan lengths change depending on the resolution of the scan, indicating that the scanner has integrated memory with a maximum available storage size.

Scan length	300DPI:125"(max);600DPI:60";(max); 050DPI:50"(max)
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[https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf)

17. In addition, the Sunvalleytek Wand Scanners have instructions (e.g., firmware) accessible from said memory by said at least one processor.

18. The instructions accessible from the memory of the Sunvalleytek Wand Scanners are configured to cause the processor to generate a plurality of position indicating data instances along a first timeline interval, wherein said position indicating data instances each corresponds to a position of a scanner at a respective position along a path of movement of the scanner. For example, the Sunvalleytek Wand Scanners have a sensor, such as a roller, for generating position data along a path of movement of the scanner.



19. The instructions accessible from the memory of the Wand Scanners are configured to generate a captured image data instance along a second timeline interval longer than the first timeline interval, wherein the captured image data instance is captured from visual content on a surface on which the scanner is supported and moved. For example, a Wand Scanner captures image data as it is dragged across the surface of an object. For example, a Wand Scanner captures image data as it is dragged across the surface of an object. On information and belief, the scanner is unable to capture and image if the roller is prohibited from moving.



20. The instructions accessible from the memory of the Wand Scanners are configured to use at least two of said position indicating data instances for interpolating a position of the scanner when generation of the captured image data instance was one of initiated, completed, and partially completed. For example, the relative position of the scanner is determined by comparing position data before, during, and/or after an image capture event. For example, on information and belief, a Wand Scanner captures an image by capturing multiple image tile and sequentially placing them adjacent to one another based on position data generated by the roller.



21. Sunvalleytek has been and is now indirectly infringing one or more claims of the '947 Patent by inducing customers to use the Wand Scanners to directly infringe one or more claims of the '947 Patent in violation of 35 U.S.C. § 271(b).

22. Sunvalleytek has been aware of the '947 Patent no later than the service of this original complaint against Sunvalleytek.

23. Sunvalleytek has engaged in indirect infringement by its conduct of providing its infringing Wand Scanners to end users of those products for the purpose of enabling those end users to use the Wand Scanner to directly infringe the '947 Patent. On information and belief, Sunvalleytek has intended, and continues to intend, to induce such patent infringement by end users of its Wand Scanners, and has had knowledge that its inducing acts would cause infringement of the '947 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Sunvalleytek provides instructions to end users of its Wand Scanners instructing the end users how to use the Wand Scanners in a manner which directly infringes the '947 Patent. These instructions include the published Wand Scanner User Manual and Instructions available from Sunvalleytek on its website www.taotronics.com via the link: [https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf).

24. Visual Content has been damaged by Sunvalleytek's infringing activities.

**SECOND CLAIM FOR RELIEF
(Infringement of the '047 Patent)**

25. Visual Content incorporates paragraphs 1 through 10 as though fully set forth herein.

26. Sunvalleytek has been and is now directly and/or indirectly infringing one or more claims of the '047 Patent by (1) making, importing, using, offering for sale, and/or selling the Wand Scanners and/or (2) by actively inducing others to use the Wand Scanners in an infringing manner.

27. More particularly, Sunvalleytek is now directly infringing one or more claims of the '047 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Wand Scanners, all in violation of 35 U.S.C. § 271(a). The Wand Scanners include the image processing system and perform the method described and claimed in the '047 Patent. The following is a representative description of how the Wand Scanners infringe representative Claim 6 of the '047 Patent. This description is made without benefit of access to the software and schematics describing the Wand Scanners which would allow for greater specificity in identifying the particular features of the Wand Scanners that embody the claimed inventions.

28. A Wand Scanner comprises an image capture unit. For example, a representative Wand Scanner is described as follows:



“The TaoTronics Choice: With our high rating top barcode scanners, TaoTronics is the first choice for over 1.3 million Amazon customers

Portable, handheld scanner suitable businessmen, students, travelers and amateur archivists

Permanently archive all your documents digitally - convert your color or black & white photos, receipts and books into digital files

Scan images with up to 1050 DPI resolution and save them directly to a SD memory card; rechargeable 700mAh lithium battery lets you bring it anywhere

Comes with Optical Character Recognition (OCR) software so you can convert and edit your scans”

<https://www.taotronics.com/TT-DS011-color-docuement-scanner.html>

6. Specifications

Image sensor	A4 Color Contact Image Sensor
Resolution	Low resolution : 300x300 dpi Medium resolution: 600x600 dpi High resolution: 1050x1050 dpi

[https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf)

This description indicates that the representative Wand Scanner can perform high resolution color scans with an “A4 Color Contact Image Sensor.”

29. A Wand Scanner includes a sensor system for generating a plurality of position indicating data instances. For example, on information and belief, a Wand Scanner has a mechanical sensor associated with a roller for generating position indicating data:



30. The Wand Scanners have a data processing arrangement configured for deriving from at least one of the position indicating data instances a position of the image capture unit at a point in time when a captured image data instance was one of initiated, completed, and partially completed, wherein deriving the position of the image capture unit includes interpolating the position of the image capture unit from at least one of said position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, and partially completed and at least one of said position indicating data instances generated after the point in time when the captured image data instance was one of initiated, completed, and partially completed. For example, on information and belief, a Wand Scanner derives its position by interpolating the position of the image capture unit from at least one of the position indicating data instances generated prior to the point in time when a captured image data instance is either initiated, completed, or partially completed. For example, on information and belief, a Wand Scanner initially places image data on the top of an image then subsequently places image data further underneath as it is dragged across a document.



31. In addition, Sunvalleytek has been and is now indirectly infringing one or more claims of the '047 Patent by inducing customers to use the Wand Scanners to directly infringe one or more claims of the '047 Patent in violation of 35 U.S.C. § 271(b).

32. Sunvalleytek has been aware of the '047 Patent no later than the service of this complaint against Sunvalleytek.

33. Sunvalleytek has engaged in indirect infringement by its conduct of providing its infringing Wand Scanners to end users of those products for the purpose of enabling those end users to use the Wand Scanner to directly infringe the '047 Patent. On information and belief, Sunvalleytek has intended, and continues to intend, to induce such patent infringement by end users of its Wand Scanners, and has had knowledge that its inducing acts would cause infringement of the '047 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Sunvalleytek provides instructions to end users of its Wand Scanners instructing the end users how to use the Wand Scanners in a manner which directly infringes the '047 Patent. These instructions include the published Wand Scanner User Manual and Instructions available from Sunvalleytek on its website www.taotronics.com via the link: [https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20\(20140529\).pdf](https://www.taotronics.com/media/downloads/TT-DS011%20User%20Manual%20(20140529).pdf).

34. Visual Content has been damaged by Sunvalleytek's infringing activities.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Visual Content hereby demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Visual Content requests the following relief:

(a) A judgment in favor of Visual Content that Sunvalleytek has directly infringed and/or has indirectly infringed by way of inducement of one or more claims of the Asserted Patents;

(b) A judgment that Visual Content has been irreparably harmed by the infringing activities of Sunvalleytek, and is likely to continue to be irreparably harmed by Sunvalleytek's continued infringement;

(c) A judgment and order requiring Sunvalleytek to pay Visual Content damages adequate to compensate for infringement under 35 U.S.C. § 284, and in no event shall be less than a reasonable royalty for its usage made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements;

(d) A judgment awarding Visual Content its costs as provided under FED. R. CIV. P. 54(d)(1);

(e) A judgment for pre- and post-judgment interest on all damages awarded;

(f) A judgment awarding Visual Content post-judgment royalties; and

(g) Any and all such further necessary or proper relief as this Court may deem just and equitable.

Dated: February 3, 2017

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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