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Visual Content IP, LLC*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VISUAL CONTENT IP, LLC,)	CIVIL ACTION NO. 5:17-CV-1711
Plaintiff,)	
v.)	JURY TRIAL DEMANDED
AIR TECHNIQUES, INC.,)	
Defendant.)	

COMPLAINT

Plaintiff Visual Content IP, LLC (“Visual Content”), brings this civil action against Defendant Air Techniques Inc. (“Air Techniques” or “Defendant”) for patent infringement. For its Complaint, Visual Content, by and through its undersigned counsel, alleges as follows:

1 **THE PARTIES**

2 1. Plaintiff Visual Content is a Texas limited liability company with a place
3 of business located at 1400 Preston Road, Suite 487, Plano, Texas 75093.

4 2. Upon information and belief, Air Techniques is a New York corporation
5 maintaining a place of business at 291 Bonnie Lane, Suite 101, Corona, CA 92880.

6 **JURISDICTION AND VENUE**

7 3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

8 4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§
9 1331 and 1338.

10 5. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b)
11 because Air Techniques maintains a regular and established place of business in this
12 district and has committed infringing acts in this district.

13 **FACTUAL BACKGROUND**

14 **THE PATENTS-IN-SUIT**

15 6. This action seeks redress for the infringement of 5 patents. These are
16 United States Patents No. 9,591,167 (the “167 patent”), No. 9,270,857 (the “857
17 patent”), No. 8,786,897 (the “897 patent”), No. 8,693,047 (the “047 patent”), and
18 No. 8,189,965 (the “965 patent”) (collectively the “Visual Content Patents”).

19 7. The Visual Content Patents claim systems and methods comprising
20 scanners or methods for scanning that assemble scanned image tiles into coherent
21 composite images.

22 8. The inventors named on each of the Visual Content Patents are Albert
23 Durr Edgar, Michael Charles Wilder, Darryl Ray Polk, Michael David Wilkes,
24 Sheppard Parker, Martin Potucek (“Inventors”). The Inventors were all employed by
25 the original assignee of the Visual Content Patents, Image Trends, Inc., (“Image
26 Trends”) a company that was based in Austin, Texas, at the time they developed the
27 inventions claimed in the Visual Content Patents. Image Trends provided software,
28 hardware, professional services and system design services, including digital image

1 processing applications, and its technology has been incorporated in a wide range of
2 products.

3 9. The Visual Content Patents also have been licensed to a number of
4 companies in several technological fields including smartphone applications that
5 support panoramic images, computer mice with scanning functionality, and handheld
6 scanners.

7 10. Visual Content is the assignee and owner of the right, title and interest in
8 and to the Visual Content Patents, including the right to assert all causes of action
9 arising under said patents and the right to any remedies for infringement of them.

10 11. The '167 patent – entitled “Image Capture Unit and Computer Readable
11 Medium Used in Combination with Same” – was duly and lawfully issued by the
12 U.S. Patent and Trademark Office on March 7, 2017. A true and correct copy of the
13 ‘167 patent is attached hereto as Exhibit A.

14 12. The '857 patent – entitled “Image Capture Unit and Computer Readable
15 Medium Used in Combination with Same” – was duly and lawfully issued by the
16 U.S. Patent and Trademark Office on February 23, 2016. A true and correct copy of
17 the ‘857 patent is attached hereto as Exhibit B.

18 13. The '897 patent – entitled “Image Capture Unit and Computer Readable
19 Medium Used in Combination with Same” – was duly and lawfully issued by the
20 U.S. Patent and Trademark Office on July 22, 2014. A true and correct copy of the
21 ‘897 patent is attached hereto as Exhibit C.

22 14. The '047 patent – entitled “Image Capture Unit and Computer Readable
23 Medium Used in Combination with Same” – was duly and lawfully issued by the
24 U.S. Patent and Trademark Office on Feb. 26, 2013. A true and correct copy of the
25 ‘047 patent is attached hereto as Exhibit D.

26 15. The '965 patent – entitled “Image Processing Handheld Scanner System,
27 Method, and Computer Readable Medium” – was duly and lawfully issued by the
28

1 U.S. Patent and Trademark Office on May 29, 2012. A true and correct copy of the
2 ‘965 patent is attached hereto as Exhibit E.

3 **ACCUSED INSTRUMENTALITIES**

4 16. Air Techniques has made, had others make, used, imported, offered for
5 sale, and/or sold certain panoramic dental imaging devices and associated
6 applications and/or software, including the ProVecta S-Pan Panoramic and ProVecta
7 S-Pan Cephalometric, and any other similar scanners and/or including the DBSWIN
8 Imaging software and any other similar software, which individually or in
9 combination assemble scanned image tiles into coherent composite images which
10 infringe the Visual Content Patents (“the Accused Air Techniques Products”).

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,591,167**

12 17. Visual Content repeats and realleges the allegations of paragraphs 1
13 through 16 as if fully set forth herein.

14 18. Without license or authorization and in violation of 35 U.S.C. § 271(a),
15 Air Techniques has infringed at least claims 1 and 11 of the ‘167 patent by making,
16 having made, using, importing, offering for sale, and/or selling scanners that
17 assemble scanned image tiles into coherent composite images, including the Accused
18 Air Techniques Products. The following is a representative description of how the
19 Accused Air Techniques Products infringe representative Claims 1 and 11 of the ‘167
20 Patent. This description is made without benefit of access to the software and
21 schematics describing the Accused Air Techniques Products, which would allow for
22 greater specificity in identifying the particular features of the Accused Air
23 Techniques Products that embody the claimed inventions.

24 19. More specifically, each of the Accused Air Techniques Products meets
25 all the limitations of Claim 1 as each comprises a computer readable medium that:

- 26 a. includes at computer-executable instructions for performing a method of
27 processing sensor data generated by an image capture unit;
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- 1 b. the computer-executable instructions comprising processor-executable
- 2 operations for processing sensor data received from an image capture unit to
- 3 produce processed sensor data;
- 4 c. wherein the sensor data received from the image capture unit includes a
- 5 plurality of image tiles and position indicating data;
- 6 d. at least one of the image tiles includes a discrete portion of visual content;
- 7 e. the processed sensor data comprises at least portions of one or more of said
- 8 image titles;
- 9 f. displaying a feedback image using at least a portion of the processed sensor
- 10 data by correlating a relative position of one of said image tiles included in
- 11 the processed sensor data with at least one other image tile included in the
- 12 processed sensor data; and
- 13 g. modifying the processed sensor data according to input from a user and
- 14 updating the feedback image according to the modification.

15 20. Each of the Accused Air Techniques Products also meets all the
16 limitations of Claim 11 as each comprises a system that:

- 17 h. includes an image capture unit which is communicably coupled to a
- 18 controller that includes a software-configurable processor and a memory
- 19 storing processor-executable to control the processor in order to process
- 20 sensor data generated by the image capture unit;
- 21 i. sensor data received from the image capture unit is processed to produce
- 22 processed sensor data;
- 23 j. the sensor data received from the image capture unit includes a plurality of
- 24 image tiles and position indicating data;
- 25 k. at least one of the image tiles includes a discrete portion of visual content;
- 26 l. the processed sensor data comprises at least portions of one or more of said
- 27 image titles;
- 28

m. the system provides for display a feedback image using at least a portion of the processed sensor data by correlating a relative position of a particular one of said image tiles included in the processed sensor data with at least one other image tile included in the processed sensor data; and

21. making modifications to the processed sensor data according to input from a user and updating the feedback image according to the modifications.

22. Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '167 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,270,857

23. Visual Content repeats and realleges the allegations of paragraphs 1 through 22 as if fully set forth herein.

24. Without license or authorization and in violation of 35 U.S.C. § 271(a), Air Techniques has infringed at least claim 1 of the '857 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent composite images, including the Accused Air Techniques Products. The following is a representative description of how the Accused Air Techniques Products infringe representative Claim 1 of the '857 Patent. This description is made without benefit of access to the software and schematics describing the Accused Air Techniques Products, which would allow for greater specificity in identifying the particular features of the Accused Air Techniques Products that embody the claimed inventions.

25. More specifically, each the Accused Air Techniques Products meets all the limitations of Claim 1 as each comprises a non-transitory computer-readable medium having computer-executable instructions accessible therefrom, said

1 computer executable instructions configured for controlling at least one processor to
2 perform a method of processing information generated by an image capture unit.

3 26. Further the computer-executable instructions comprise operations for
4 processing sensor data received from the image capture unit, wherein said sensor data
5 includes a plurality of image tiles and position indicating data defining a relative
6 position of a respective one of said image tiles, wherein at least a portion of said
7 image tiles includes data representing a discrete portion of visual content.

8 27. The computer-executable instructions also comprise operations for
9 displaying a feedback image derived using said data representing the discrete portion
10 of said visual content of at least a portion of said image tiles.

11 28. The displaying of the feedback image includes displaying the discrete
12 portion of said visual content of at least a portion of said image tiles in response to at
13 least a portion of said image tiles being generated and wherein displaying the discrete
14 portion of said visual content includes correlating the relative position of a particular
15 one of said image tiles with at least one other image tile that has been previously
16 generated and displayed.

17 29. The displaying of the feedback images also includes correlating an
18 abstract image of one image tile with an abstract image of another image tile.

19 30. Visual Content is entitled to recover from Defendant the damages
20 sustained by Visual Content as a result of Defendant's infringement of the '857
21 patent in an amount subject to proof at trial, which, by law, cannot be less than a
22 reasonable royalty, together with interest and costs as fixed by this Court under 35
23 U.S.C. § 284.

24 **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,786,897**

25 31. Visual Content repeats and realleges the allegations of paragraphs 1
26 through 30 as if fully set forth herein.

27 32. Without license or authorization and in violation of 35 U.S.C. § 271(a),
28 Air Techniques has infringed at least claim 1 of the '897 patent by making, having

1 made, using, importing, offering for sale, and/or selling scanners that assemble
2 scanned image tiles into coherent composite images, including the Accused Air
3 Techniques Products. The following is a representative description of how the
4 Accused Air Techniques Products infringe representative Claim 1 of the '897 Patent.
5 This description is made without benefit of access to the software and schematics
6 describing the Accused Air Techniques Products, which would allow for greater
7 specificity in identifying the particular features of the Accused Air Techniques
8 Products that embody the claimed inventions.

9 33. More specifically, the each of Accused Air Techniques Products meets
10 all the limitations of Claim 1 as each comprises a non-transitory computer-readable
11 medium having computer-executable instructions accessible therefrom, said
12 computer executable instructions configured for controlling at least one processor to
13 perform a method of processing information generated by an image capture unit.

14 34. Further the computer-executable instructions comprise operations for
15 processing sensor data received from the image capture unit, wherein said sensor data
16 includes a plurality of image tiles and position indicating data defining a relative
17 position of a respective one of said image tiles, wherein at least a portion of said
18 image tiles includes data representing a discrete portion of visual content.

19 35. The computer-executable instructions also comprise operations for
20 displaying a feedback image derived using said data representing the discrete portion
21 of said visual content of at least a portion of said image tiles.

22 36. The displaying of the feedback image includes displaying the discrete
23 portion of said visual content of at least a portion of said image tiles in response to at
24 least a portion of said image tiles being generated and wherein displaying the discrete
25 portion of said visual content includes correlating the relative position of a particular
26 one of said image tiles with at least one other image tile that has been previously
27 generated and displayed.
28

1 37. Visual Content is entitled to recover from Defendant the damages
 2 sustained by Visual Content as a result of Defendant's infringement of the '897
 3 patent in an amount subject to proof at trial, which, by law, cannot be less than a
 4 reasonable royalty, together with interest and costs as fixed by this Court under 35
 5 U.S.C. § 284.

6 **COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,693,047**

7 38. Visual Content repeats and realleges the allegations of paragraphs 1
 8 through 37 as if fully set forth herein.

9 39. Without license or authorization and in violation of 35 U.S.C. § 271(a),
 10 Air Techniques has infringed at least claim 6 of the '047 patent by making, having
 11 made, using, importing, offering for sale, and/or selling scanners that assemble
 12 scanned image tiles into coherent composite images, including the Accused Air
 13 Techniques Products. The following is a representative description of how the
 14 Accused Air Techniques Products infringe representative Claim 6 of the '047 Patent.
 15 This description is made without benefit of access to the software and schematics
 16 describing the Accused Air Techniques Products, which would allow for greater
 17 specificity in identifying the particular features of the Accused Air Techniques
 18 Products that embody the claimed inventions.

19 40. More specifically, each of the Accused Air Techniques Products meets
 20 all the limitations of Claim 6 as each comprises an image capture unit that includes a
 21 sensor system for generating a plurality of position indicating data instances.

22 41. Further, the image capture unit includes a data processing arrangement
 23 configured for deriving from at least one of the position indicating data instances a
 24 position of the image capture unit at a point in time when a captured image data
 25 instance was one of initiated, completed, and partially completed, wherein deriving
 26 the position of the image capture unit includes interpolating the position of the image
 27 capture unit from at least one of the said position indicating data instances generated
 28 prior to a point in time when the captured image data instance was one of initiated,

1 completed, and partially completed and at least one of said position indicating data
 2 instances generated after the point in time when the captured image data instance was
 3 one of initiated, completed, and partially completed.

4 42. Visual Content is entitled to recover from Defendant the damages
 5 sustained by Visual Content as a result of Defendant's infringement of the '047
 6 patent in an amount subject to proof at trial, which, by law, cannot be less than a
 7 reasonable royalty, together with interest and costs as fixed by this Court under 35
 8 U.S.C. § 284.

9 **COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,189,965**

10 43. Visual Content repeats and realleges the allegations of paragraphs 1
 11 through 42 as if fully set forth herein.

12 44. Without license or authorization and in violation of 35 U.S.C. § 271(a),
 13 Air Techniques has infringed at least claims 1 and 21 of the '965 patent by making,
 14 having made, using, importing, offering for sale, and/or selling scanners that
 15 assemble scanned image tiles into coherent composite images, including the Accused
 16 Air Techniques Products. The following is a representative description of how the
 17 Accused Air Techniques Products infringe representative Claims 1 and 21 of the '965
 18 Patent. This description is made without benefit of access to the software and
 19 schematics describing the Accused Air Techniques Products, which would allow for
 20 greater specificity in identifying the particular features of the Accused Air
 21 Techniques Products that embody the claimed inventions.

22 45. More specifically, each of the Accused Air Techniques Products meets
 23 all the limitations of Claim 1 as each comprises a scanner system that:

- 24 a. includes at least one processor, memory coupled to the at least one
- 25 processor, and instructions accessible from the memory of the processor;
- 26 b. the instructions associated with the Accused Air Techniques Products cause
- 27 the processor to process sensor data received from a scanner, wherein the
- 28

- 1 sensor data includes a plurality of image tiles and position indicating data
2 defining a respective relative position of each one of the image tiles;
3 c. the plurality of image tiles includes data representing a discrete portion of
4 visual content of a scanned object;
5 d. the instructions associated with the Accused Air Techniques Products also
6 cause the processor to display a feedback image derived from the image tile
7 data;
8 e. the display of the feedback image derived from the image tile data includes
9 causing the processor to display the discrete portion of the visual content of
10 each one of the image tiles in a real-time or near real-time manner with
11 respect to each one of the image tiles being generated; and
12 f. the instructions associated with the Accused Air Techniques Products cause
13 the processor to display the discrete portion of the visual content of each
14 one of the image tiles by correlating the relative position of each one of said
15 image tiles in the real-time or near real-time manner with at least one other
16 image tile that has been previously generated and displayed.

17 46. Each of the Accused Air Techniques Products also meets all the
18 limitations of Claim 21 as each also includes computer-executable instructions,
19 which are configured for controlling at least one processor to perform the step of
20 processing sensor data received from a scanner, wherein the sensor data includes a
21 plurality of image tiles and position indicating data defining a respective relative
22 position of each one of the image tiles, wherein each one of the image tiles includes
23 data representing a discrete portion of visual content of a scanned object.

24 47. In addition, the computer-executable instructions of each of the Accused
25 Air Techniques Products are configured for controlling at least one processor to
26 perform the additional step of displaying a feedback image derived from the image
27 tile data, wherein displaying the feedback image includes displaying the discrete
28 portion of the visual content of each one of said image tiles in a real-time or near real-

1 time manner with respect to each one of the image tiles being generated and wherein
2 displaying the discrete portion of said visual content of each one of the image tiles
3 includes correlating the relative position of each one of the image tiles in the real-
4 time or near real-time manner with at least one other image tile that has been
5 previously generated and displayed.

6 48. Visual Content is entitled to recover from Defendant the damages
7 sustained by Visual Content as a result of Defendant's infringement of the '965
8 patent in an amount subject to proof at trial, which, by law, cannot be less than a
9 reasonable royalty, together with interest and costs as fixed by this Court under 35
10 U.S.C. § 284.

11 **JURY DEMAND**

12 Visual Content hereby demands a trial by jury on all issues so triable.
13

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Visual Content requests that this Court enter judgment against
16 Defendant as follows:

17 A. An adjudication that Defendant has infringed each of the Visual Content
18 Patents;

19 B. An award of damages to be paid by Defendant adequate to compensate
20 Visual Content for Defendant's past infringement of the Visual Content Patents
21 through the earlier of the date of judgment or the expiration of the last to expire of the
22 Visual Content Patents, including interest, costs, expenses and an accounting of all
23 infringing acts including, but not limited to, those acts not presented at trial;

24 C. An injunction precluding Defendant's further infringement of the Visual
25 Content Patents;

26 D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an
27 award of Visual Content's reasonable attorneys' fees; and
28

1 E. An award to Visual Content of such further relief at law or in equity as
2 the Court decides is just and proper.

3 Respectfully submitted,
4

5 Dated: August 23, 2017 LAW OFFICE OF RYAN E. HATCH, PC

6 By: /s/ Ryan E. Hatch
7 Ryan E. Hatch

8 *Attorney for Plaintiff*
9 *Visual Content IP, LLC*
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