

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MERCEDES-BENZ USA, LLC,

Plaintiff,

v.

CODING TECHNOLOGIES, LLC,

Defendant.

Case _____

**COMPLAINT FOR
DECLARATORY JUDGMENT
OF NON-INFRINGEMENT OF
U.S. PATENT NO. 8,540,159**

JURY TRIAL DEMANDED

**MERCEDES-BENZ USA, LLC’S COMPLAINT
FOR DECLARATORY JUDGEMENT OF NON-INFRINGEMENT**

Plaintiff Mercedes-Benz USA, LLC (“MBUSA”) alleges the following as its Complaint against Defendant Coding Technologies, LLC (“Coding Techs.”):

NATURE OF THE ACTION

1. This is an action for declaratory judgment of non-infringement of U.S. Patent No. 8,540,159 (“the ’159 patent”) under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, and the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* A true and correct copy of the ’159 patent is attached as Exhibit 1.

2. MBUSA requests this relief because Coding Techs. has alleged in a Complaint filed in the Southern District of Florida that MBUSA “has and continues to” infringe the ’159 patent and that such infringement was willful. *See*

Coding Techs., LLC v. Mercedes-Benz, USA, LLC, No. 1-17-cv-23714, Dkt. No. 1 ¶¶ 15 & 68 (S.D. Fla. Oct. 11, 2017).

THE PARTIES

3. MBUSA is a Delaware corporation with its headquarters located at 303 Perimeter Center North, Atlanta, Georgia.

4. On information and belief, Coding Techs. is a limited liability company organized and existing under the laws of the State of Texas.

JURISDICTION AND VENUE

5. MBUSA files this complaint against Coding Techs. pursuant to the patent laws of the United States, Title 35 of the United States Code, with a specific remedy sought based upon the laws authorizing actions for declaratory judgment in the federal courts of the United States, 28 U.S.C. §§ 2201 and 2202, and under the patent laws of the United States, 35 U.S.C. §§ 1-390.

6. An actual and justiciable controversy exists under 28 U.S.C. §§ 2201-02 between MBUSA and Coding Techs. as to whether MBUSA has and continues to infringe the '159 patent and whether such alleged infringement was willful at least because Coding Techs. has alleged that MBUSA “has and continues to” infringe the '159 patent and that such infringement was willful.

7. This Court has subject matter jurisdiction over this action, which arises under the patent laws of the United States, pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201(a).

8. Venue is proper under 28 U.S.C. §§ 1391(b)(1) and (d) because Coding Techs. does business in and is subject to personal jurisdiction in this District for the claims asserted herein. Coding Techs. has taken specific actions in Georgia, including in the Northern District of Georgia, and MBUSA's claim for relief arises out of or relates to those activities. On information and belief, Coding Techs. has purposefully availed itself of the privileges and protections of this District by systematically pursuing patent enforcement activities with one or more entities headquartered in Georgia and in this District, including MBUSA, Delta Airlines, Inc., Acuity Brands, Inc., and WZ Franchise Corp. Additionally, upon information and belief, the principal owner of Coding Techs., Leigh Rothschild, has previously filed actions in this District through other companies controlled by him seeking to enforce patents. Therefore, Coding Techs. has sufficient contacts with Georgia and this District to be subject to personal jurisdiction in this District.

BACKGROUND FACTS

9. MBUSA is headquartered at 303 Perimeter Center North, Atlanta, Georgia. Those headquarters oversee the distribution, marketing, and customer

service and technical support for all Mercedes-Benz products sold in the United States.

10. On information and belief, Coding Techs. is a patent holding company and non-practicing entity whose sole business is patent monetization, including activities related to licensing as well as other legal and extrajudicial enforcement of its patents.

11. On information and belief, the '159 patent was assigned to Coding Techs. on May 1, 2017, less than six months before Coding Techs. filed its Complaint in the Southern District of Florida.

12. On information and belief, since the '159 patent was assigned to Coding Techs., Coding Techs. has filed lawsuits asserting the '159 patent in United States District Courts in at least the following districts: the District of Delaware, the Middle District of Florida, the Southern District of New York, the Southern District of Texas, the Eastern District of Texas, and the Southern District of Florida.

13. Coding Techs. alleges that MBUSA's alleged use of "a user terminal designed to capture certain code pattern information and convert same into embedded content" ("Accused Products") infringes at least claims 1, 2, 3, 4, 8, 9, 10, 11, 15, and 16 of the '159 patent. Coding Techs. further alleges that MBUSA

directly infringes, contributorily infringes, or actively induces infringement of the '159 patent. Coding Techs. also alleges that MBUSA willfully infringes the '159 patent.

**REQUEST FOR DECLARATORY JUDGMENT OF NON-
INFRINGEMENT**

14. MBUSA re-alleges paragraphs 1–13 above as if fully set forth herein.

15. An actual and justiciable controversy exists between MBUSA and Coding Techs. regarding whether MBUSA has and/or continues to directly infringe, contributorily infringe, actively induces the infringement of, and/or willfully infringes the '159 patent.

16. MBUSA has not and does not directly infringe any valid claim of the '159 patent. The Accused Products are not distinguishable from the prior art in any way relevant to the claims of the '159 patent. Thus, to the extent that Coding Techs. attempts to distinguish the claims from the prior art, the Accused Products can also be distinguished over the claims of the '159 patent on that same basis.

17. MBUSA does not contributorily infringe or actively induce infringement of the '159 patent, and has not done so in the past. For example, MBUSA has not intended, and does not intend for any third party to infringe the '159 patent.

18. MBUSA has not willfully infringed the '159 patent, at least because MBUSA has either not been aware of any potential claim of infringement of the '159 patent, or since learning of the patent it has not acted in an egregious manner with respect to the alleged infringement of the '159 patent.

19. MBUSA is therefore entitled to a declaratory judgment that it has not and does not directly infringe, contributorily infringe, actively induce the infringement of, or willfully infringe the '159 patent.

PRAYER FOR RELIEF

WHEREFORE, MBUSA prays for judgment and relief as follows:

A. That this Court enter an Order declaring that MBUSA has not and does not directly infringe, contributorily infringe, actively induce infringement of, or willfully infringe the '159 patent;

B. That this Court declare this to be an exceptional case within the meaning of 35 U.S.C. § 285 and award reasonable attorneys' fees and costs; and

C. That this Court grant MBUSA such other relief as it deems just and proper.

JURY DEMAND

MBUSA demands a trial by jury on all issues so triable.

This 6th day of December, 2017.

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CERTIFICATE OF COMPLIANCE

The foregoing Complaint complies with Local Rule 5.1 and was prepared using Times New Roman (14 point) type.

This 6th day of December, 2017.

/s/ James A. Lamberth
JAMES A. LAMBERTH