

Coleman Watson, Esq.
Watson LLP
189 S. Orange Avenue, Suite 810
Orlando, FL 32801
coleman@watsonllp.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CODING TECHNOLOGIES, LLC,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

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Case No.: 1:17-cv-7784

AMENDED COMPLAINT

INJUNCTIVE RELIEF DEMANDED

JURY TRIAL DEMANDED

Plaintiff, CODING TECHNOLOGIES, LLC, sues Defendant, INTERNATIONAL BUSINESS MACHINES CORPORATION, and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 8,540,159 under the Patent Act, 35 U.S.C. § 271, *et seq.*, based on Defendant’s unauthorized commercial manufacture, use, importation, offer for sale, and sale of infringing products and services in the United States.

PARTIES

2. Plaintiff, CODING TECHNOLOGIES, LLC, is a foreign limited liability company, organized under the laws of the State of Texas.

3. Defendant, INTERNATIONAL BUSINESS MACHINES CORPORATION, is a

1 domestic corporation with its headquarters located in New York, New York. Defendant uses,
2 sells, and/or offers to sell products and services in interstate commerce that infringe the ‘159
3 Patent.

4 **SUBJECT MATTER JURISDICTION**

5 4. This court has original jurisdiction over the subject matter of this action, pursuant
6 to 28 U.S.C. §§ 1331 and 1338(a), because this action involves a federal question relating to
7 patents.

8 **PERSONAL JURISDICTION**

9 5. The court has general *in personam* jurisdiction over Defendant because Defendant
10 is a citizen of the State of New York and is found in this state.

11 **VENUE**

12 6. Venue is proper in this court, pursuant to 28 U.S.C. § 1400(b), because Defendant
13 resides in this judicial district, has committed acts of infringement in this district, and has a
14 regular and established place of business in this district.

15 **COUNT I**
16 **PATENT INFRINGEMENT**

17 7. Plaintiff repeats and re-alleges paragraphs 2 through 6 by reference, as if fully set
18 forth herein.

19 8. On September 24, 2013, the United States Patent & Trademark Office (USPTO)
20 duly and legally issued the ‘159 Patent, entitled “Method for Providing Mobile Service Using
21 Code Pattern.” A true and authentic copy of the ‘159 Patent is attached hereto as **Exhibit “A”**
22 and incorporated herein by reference.

23 9. The ‘159 Patent teaches a method and apparatus for providing a mobile service
24 with the use of code pattern.
25

1 10. The ‘159 Patent is directed to computerized decoding technologies to provide
2 users with access to and use of various content more conveniently. Traditionally, companies
3 simply provided their URL information to the consuming public, but this is effective only if a
4 consumer memorized the name and spelling of the URL. Thus, there was a need in the art to
5 provide an effective product or method to assist consumers with recalling website or URL
6 information.

7 11. The ‘159 Patent claims, among other things, a method of providing content with
8 the use of code pattern by a user terminal; a user terminal for providing content with the use of
9 code pattern; a non-transitory machine-readable storage medium having encoded thereon
10 program code; and, a method of providing content with the use of an image captured by a user
11 terminal.
12

13 12. Collectively, the claimed embodiments in the ‘159 Patent provide new solutions
14 to problems related to transmitting information from a mobile service provider to a mobile
15 device.

16 13. The ‘159 Patent solves a problem with the art that is rooted in computer
17 technology that uses mobile service providers. The ‘159 Patent does not merely recite the
18 performance of some business practice known from the pre-Internet world along with the
19 requirement to perform it on the Internet.

20 14. Plaintiff is the assignee of the entire right, title, and interest in the ‘159 Patent at
21 the USPTO, including the right to assert causes of action arising under the ‘159 Patent.
22

23 15. Upon information and belief, Defendant has and continues to directly infringe,
24 contributorily infringe, or actively induce the infringement of the ‘159 Patent by making, using
25 (including by at least internally testing the Accused Products as defined herein), selling, offering

1 for sale, importing in the United States, including this judicial district, a user terminal designed
2 to capture certain code pattern information and convert same into embedded content, which
3 embodies or uses the invention claimed in the '159 Patent, all in violation of 35 U.S.C. § 271.

4 16. Defendant makes, uses, sells, offers for sale, or imports into the United States
5 machine type model numbers 8001-12C, 8001-22C, 8247-21L, 8247-22L, 8247-42L, 8284-21A,
6 8284-22A, 8286-41A, 8286-42A, 8335-GCA, 8335-GTA, 8335-GTB, 8348-21C, 8408-44E,
7 8408-E8E, 9080-MHE, 9080-MME, 9119-MHE, and 9119-MME (the "Accused Products")
8 through use of QR code technology subsumed by the '159 Patent.
9

10 17. The Accused Products infringe at least claims 1, 2, 3, 8, 9, 10, 15, and 16 of the
11 '159 Patent.

12 *Claim 1*

13 18. Through claim 1, the '159 Patent claims a method of providing content with the
14 use of a code pattern by a user terminal, the method comprising: obtaining a photographic image
15 of a code pattern by a camera of the user terminal; processing, by a processor of the user
16 terminal, the photographic image of the code pattern to extract the code pattern from the
17 photographic image; decoding the extracted code pattern by the processor of the user terminal
18 into code information; transmitting a content information request message to a server based on
19 the code information; and receiving content information from the server in response to the
20 content information request message.

21 19. Defendant infringes claim 1.

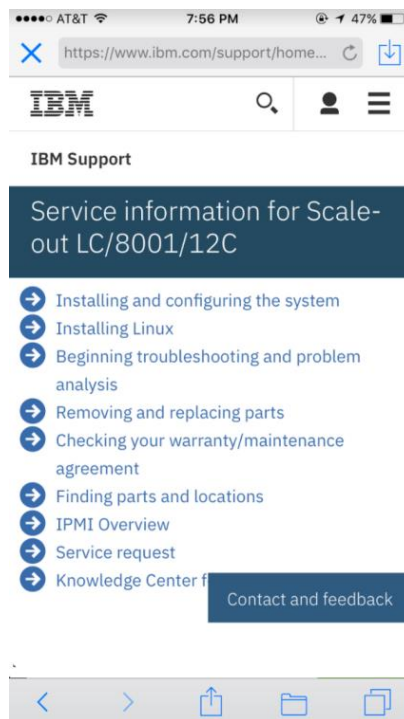
22 20. Defendant, at least in internal use and testing, practices a method of providing
23 content (*e.g.*, a web page associated with the defendant) with the use of a code pattern (*e.g.*, a QR
24 code) by a user terminal (*e.g.*, a smartphone), as demonstrated in the following images:
25

QR code locations

Quick response (QR) codes allow for remote access to the customer-based service information.

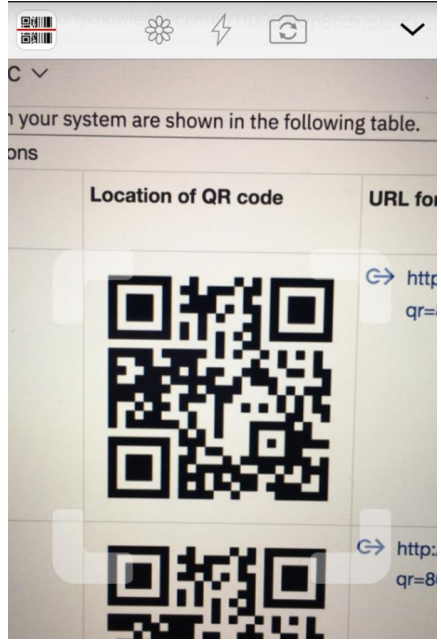
The QR code location on your system are shown in the following table.

| Machine Type Model Number | Location of QR code | URL for QR code |
|---------------------------|---|---|
| 8001-12C |  | http://www.ibm.com/support/entry/portal/mobile_qr?qr=8001&md=12C&fi=10000502 |



21. Defendant, at least in internal use and testing, obtains a photographic image of a code pattern (*e.g.*, QR code) by a camera of the user terminal (*e.g.*, smartphone), as shown below:


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22. Defendant, at least in internal use and testing, processes by a processor of the user terminal (e.g., smartphone), the photographic image of the code pattern (e.g., QR code) to view and extract the code pattern from the photographic image, as shown below:

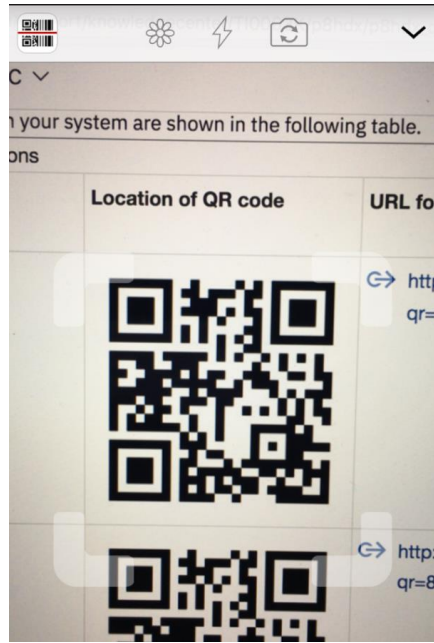
iPhone 7 Overview

Chip



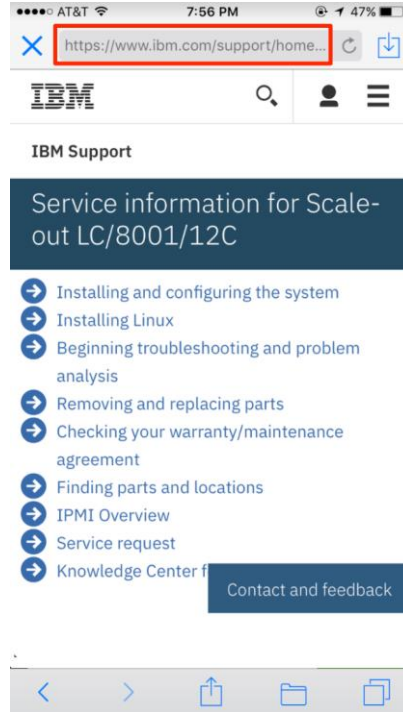
A10 Fusion chip with 64-bit architecture

Embedded M10 motion coprocessor



11 23. Defendant, at least in internal use and testing, decodes the extracted code pattern
12 by the processor of the user terminal from the QR code into code information (e.g., URL of web
13 page associated with the defendant), as shown below:



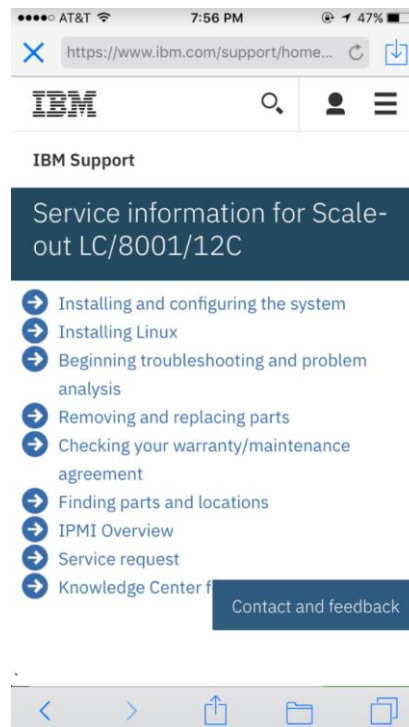


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12 24. Defendant, at least in internal use and testing, transmits a content information
13 request message (*e.g.*, http request message for accessing the webpage associated with
14 Defendant) to a server (*e.g.*, Defendant’s server) based on the code information (*e.g.*, URL of the
15 webpage associated with Defendant). As shown below, once the URL is decoded from the
16 extracted QR code, a request for accessing a webpage associated with Defendant is sent to
17 Defendant’s server.
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25. Defendant, at least in internal use and testing, receives content information (e.g., a web page associated with Defendant) from the server (e.g., Defendant’s server) in response to the content information request message (e.g., http request message for accessing the webpage associate with Defendant). As shown below, the terminal (e.g., smartphone) receives content information (e.g., webpage associated with Defendant).

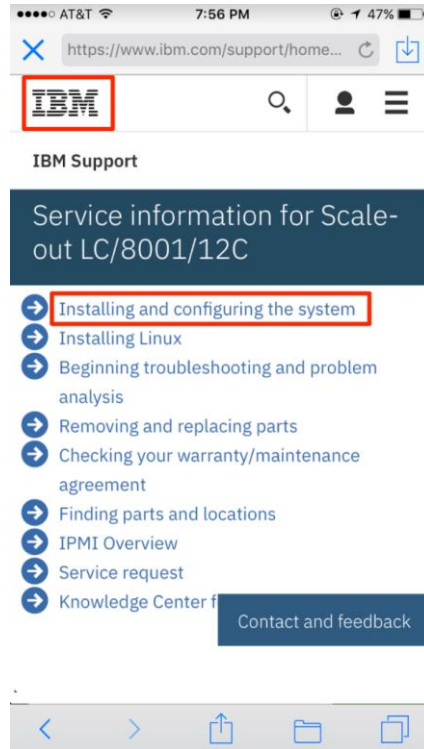


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Claim 2

21 26. Through claim 2, the '159 Patent claims the method of claim 1, wherein the
22 content information comprises at least one of the following: image, sound, moving picture, and
23 text data.

24 27. Defendant infringes claim 2.

25 28. Defendant uses a user terminal to receive content information that comprises
image and text data, as shown below:



Claim 3

29. Through claim 3, the '159 Patent claims the method of claim 1, wherein the transmitting a content information request message includes: extracting a uniform resource locator (URL) of the server from the code information; and transmitting the content information request message to the server based on the extracted URL.

30. Defendant infringes claim 3.

31. Defendant transmits a content information request message (*e.g.*, http request message for accessing the webpage associate with Defendant) which includes extracting URL of the server and transmitting the content information request message (*e.g.*, http request message for accessing the webpage associate with Defendant) to the server (*e.g.*, Defendant's server) based on the extracted URL.

Claim 8

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2 32. Through claim 8, the '159 Patent claims a user terminal for providing content
3 with the use of a code pattern, the user terminal comprising: a camera configured to obtain a
4 photographic image of a code pattern; a processor comprising: an image processor configured to
5 process the photographic image of the code pattern to extract the code pattern from the
6 photographic image; and a decoder configured to decode the extracted code pattern into code
7 information; and a transceiver configured to (i) transmit a content information request message
8 to a server based on the code information; and (ii) receive content information from the server in
9 response to the content information request message.
10

11 33. Defendant infringes claim 8.

12 34. Defendant, at least in internal use and testing, uses a user terminal (*e.g.*,
13 smartphone) for providing content (*e.g.*, a web page associated with Defendant) with the use of a
14 code pattern (*e.g.*, QR code).

15 35. Defendant uses a user terminal comprising a camera configured to obtain a
16 photographic image of a code pattern (*e.g.*, QR code).

17 36. Defendant uses a user terminal comprising a processor which in turn comprises an
18 image processor configured to process the photographic image of the code pattern (*e.g.*, QR
19 code) to extract the code pattern (*e.g.*, QR code) from the photographic image. Once the
20 photographic image of the QR code is captured by the camera of the smartphone, the
21 photographic image is processed to retrieve the QR code. The retrieved QR code can be viewed
22 on the user interface screen of the smartphone.
23

24 37. Defendant uses a user terminal (*e.g.*, smartphone) comprising a decoder that is
25 configured to decode the extracted code pattern (*e.g.*, QR code) into code information (*e.g.*, URL

1 of web page associated with Defendant).

2 38. Defendant uses a user terminal comprising a transceiver (e.g., FDD- LTE/TDD -
 3 LTE/CDMA//EDGE transceiver) which is configured to transmit or receive a content
 4 information request message (e.g., http request message for accessing the webpage associated
 5 with Defendant) to a server (e.g., Defendant’s server) based on the code information (e.g., URL
 6 of the webpage associated with Defendant). As shown below, once the URL is decoded from the
 7 extracted QR code, a request or response for accessing a webpage associated with Defendant is
 8 sent to Defendant’s server by means of transceiver of the smartphone:
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10 iPhone 7

Overview iOS Tech Specs [Buy](#)

11 Cellular and
 12 Wireless

Model A1660*
 Model A1661*

FDD-LTE (Bands 1, 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30)
TD-LTE (Bands 38, 39, 40, 41)
TD-SCDMA 1900 (F), 2000 (A)
CDMA EV-DO Rev. A (800, 1900, 2100 MHz)
UMTS/HSPA+/DC-HSDPA (850, 900, 1700/2100, 1900, 2100 MHz)
GSM/EDGE (850, 900, 1800, 1900 MHz)

Model A1778*
 Model A1784*

Models A1778 and A1784 do not support CDMA networks, such as those used by Verizon and Sprint.

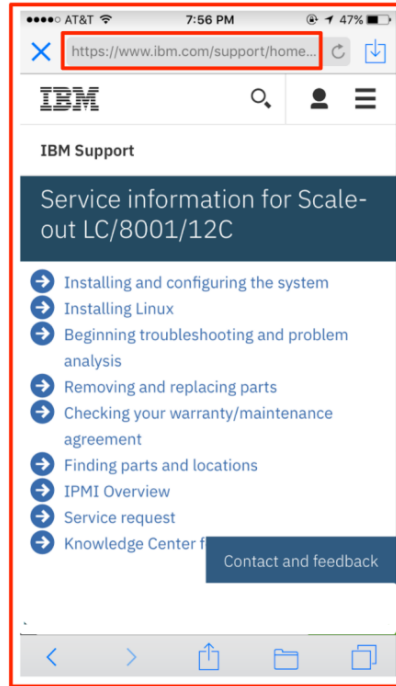
FDD-LTE (Bands 1, 2, 3, 4, 5, 7, 8, 12, 13, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30)
TD-LTE (Bands 38, 39, 40, 41)
UMTS/HSPA+/DC-HSDPA (850, 900, 1700/2100, 1900, 2100 MHz)
GSM/EDGE (850, 900, 1800, 1900 MHz)

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WATSON LLP

189 S. Orange Avenue, Suite 810
 Orlando, FL 32801
 Tel: (407) 377-6634 / Fax: (407) 377-6688

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Claim 9

39. Through claim 9, the '159 Patent claims the user terminal of claim 8, wherein the content information comprises at least one of the following: image, sound, moving picture, and text data.

40. Defendant infringes claim 9.

41. Defendant uses a user terminal to receive content information that comprises image and text data.

1 *Claim 10*

2 42. Through claim10, the '159 Patent claims the user terminal of claim 8, wherein:
3 the processor is further configured to extract a uniform resource locator (URL) of the server from
4 the code information; and the transceiver is further configured to transmit the content
5 information request message to the server based on the extracted URL.

6 43. Defendant infringes claim 10.

7 44. Defendant uses a user terminal (*e.g.*, smartphone) that is configured to extract a
8 uniform resource locator (URL) of the server (*e.g.*, Defendant's server) from the code
9 information (*e.g.*, URL of web page associated with Defendant).

10 45. Defendant uses a user terminal (*e.g.*, smartphone) comprising a transceiver
11 configured to transmit the content information request message (*e.g.*, http request message for
12 accessing the webpage associate with Defendant) to the server (*e.g.*, Defendant's server) based
13 on the extracted URL.
14

15 *Claim 15*

16 46. Through claim 15, the '159 Patent claims a non-transitory machine-readable
17 storage medium, having encoded thereon program code, wherein, when the program code is
18 executed by a machine, the machine implements a method for providing content with the use of a
19 code pattern by a user terminal, comprising the steps of: obtaining a photographic image of a
20 code pattern by a camera of the user terminal; processing, by a processor of the user terminal, the
21 photographic image of the code pattern to extract the code pattern from the photographic image;
22 decoding the extracted code pattern by the processor of the user terminal into code information;
23 transmitting a content information request message to a server based on the code information;
24 and receiving content information from the server in response to the content information request
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1 message.

2 47. Defendant infringes claim 15.

3 48. Defendant, at least in internal use and testing, practices a method of providing
4 content (*e.g.*, a webpage associated with Defendant) with the use of a code pattern (*e.g.*, a QR
5 code) by a user terminal (*e.g.*, a smartphone).

6 49. Defendant, at least in internal use and testing, obtains a photographic image of a
7 code pattern (*e.g.*, QR code) by a camera of the user terminal (*e.g.*, smartphone).

8 50. Defendant, at least in internal use and testing, uses a processor of the user
9 terminal (*e.g.*, smartphone) to processes the photographic image of the code pattern (*e.g.*, QR
10 code) to extract the code pattern from the photographic image.

11 51. Defendant, at least in internal use and testing, decodes the extracted code pattern
12 by the processor of the user terminal into code information (*e.g.*, URL of web page associated
13 with Defendant).

14 52. Defendant, at least in internal use and testing, transmits and receives a content
15 information request message (*e.g.*, http request message for accessing the webpage associated
16 with Defendant) to and from a server (*e.g.*, Defendant's server) based on the code information
17 (*e.g.*, URL of the webpage associated with Defendant).
18

19 ***Claim 16***

20 53. Through claim 16, the '159 Patent claims a method of providing content with the
21 use of an image captured by a user terminal, the method comprising: obtaining a photographic
22 image by a camera of the user terminal; processing, by a processor of the user terminal, the
23 photographic image to extract characteristic information from the photographic image;
24 transmitting a content information request message with the extracted characteristic information
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1 to a server; and receiving content information from the server in response to the content
2 information request message.

3 54. Defendant infringes claim 16.

4 55. Defendant, at least in internal use and testing, practices a method of providing
5 content (*e.g.*, a webpage associated with Defendant) with the use of a code pattern (*e.g.*, a QR
6 code) by a user terminal (*e.g.*, a smartphone).

7 56. Defendant, at least in internal use and testing, obtains a photographic image of a
8 code pattern (*e.g.*, QR code) by a camera of the user terminal (*e.g.*, smartphone).

9 57. Defendant, at least in internal use and testing, processes by a processor of the user
10 terminal (*e.g.*, smartphone), the photographic image of the code pattern (*e.g.*, QR code) to extract
11 characteristic information from the photographic image.

12 58. Defendant, at least in internal use and testing, transmits and receives a content
13 information request message (*e.g.*, http request message for accessing the webpage associated
14 with Defendant) to or from a server (*e.g.*, Defendant's server) based on the extracted
15 characteristic information (*e.g.*, URL of the webpage associated with Defendant).

16 59. Upon information and belief, Defendant has known of the existence of the '159
17 Patent, and its acts of infringement have been willful and in disregard for the '159 Patent,
18 without any reasonable basis for believing that it had a right to engage in the infringing conduct.
19

20 60. Defendant's acts of infringement of the '159 Patent have caused and will continue
21 to cause Plaintiff damages for which Plaintiff is entitled to compensation pursuant to 35 U.S.C. §
22 284.

23 61. Defendant's acts of infringement of the '159 Patent have caused and will continue
24 to cause Plaintiff immediate and irreparable harm unless such infringing activities are also
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1 enjoined by this court pursuant to 35 U.S.C. § 283. Plaintiff has no adequate remedy at law.

2 62. Upon information and belief, the '159 Patent, at all times material, was and is in
3 compliance with 35 U.S.C. § 287.

4 63. Plaintiff retained the law firm of WATSON LLP to represent its interests in this
5 action, and is obligated to pay such firm reasonable attorneys' fees for its services. Plaintiff may
6 recover its attorneys' fees and costs from Defendant, pursuant to 35 U.S.C. § 285, because this
7 case is exceptional.

8
9 **WHEREFORE**, Plaintiff, CODING TECHNOLOGIES, LLC, demands judgment
10 against Defendant, INTERNATIONAL BUSINESS MACHINES CORPORATION, and
11 respectfully seeks the entry of an order (i) adjudging that Defendant has infringed the '159
12 Patent, in violation of 35 U.S.C. § 271; (ii) granting an injunction enjoining Defendant, its
13 employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns,
14 and all of those in active concert and participation with any of the foregoing persons or entities
15 from infringing, contributing to the infringement of, or inducing infringement of the '159 Patent;
16 (iii) ordering Defendant to account and pay damages adequate to compensate Plaintiff for
17 Defendant's infringement of the '159 Patent, with pre-judgment and post-judgment interest and
18 costs, pursuant to 35 U.S.C. § 284; (iv) ordering that the damages award be increased up to three
19 times the actual amount assessed, pursuant to 35 U.S.C. § 284; (v) declaring this case
20 exceptional and awarding Plaintiff its reasonable attorneys' fees, pursuant to 35 U.S.C. § 285;
21 and, (vi) awarding such other and further relief as this court deems just and proper.

22
23 **DATED** on January 11, 2018

24
25 Respectfully submitted,

1 /s/ Coleman Watson

2 **Coleman W. Watson, Esq.**

3 Florida Bar. No. 0087288

4 California Bar No. 266015

5 Georgia Bar No. 317133

6 New York Bar No. 4850004

7 Email: coleman@watsonllp.com

8 docketing@watsonllp.com

9 **WATSON LLP**

10 189 S. Orange Avenue

11 Suite 810

12 Orlando, FL 32801

13 Tel: (407) 377-6634 / Fax: (407) 377-6688

14 *Attorneys for Plaintiff,*

15 **CODING TECHNOLOGIES, INC.**

16 **CERTIFICATE OF SERVICE**

17 I HEREBY CERTIFY that on January 11, 2018, pursuant to Fed. R. Civ. P. 5, I
18 electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which
19 will send an electronic notice to the following lead counsel of record in this proceeding:

20 Mark J. Abate (MA2395)

21 Calvin E. Wingfield Jr. (CW2500)

22 Naomi L. Birbach (NB5226)

23 **GOODWIN PROCTER LLP**

24 The New York Times Building

25 620 Eighth Avenue

New York, NY 10018

Tel.: (212) 813-8800

Fax: (212) 355-3333

/s/ Coleman Watson

Coleman W. Watson, Esq.

WATSON LLP

189 S. Orange Avenue, Suite 810

Orlando, FL 32801

Tel: (407) 377-6634 / Fax: (407) 377-6688