

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

REFLECTION CODE LLC,

Plaintiff,

v.

MUCCI FARMS LTD., MUCCI  
INTERNATIONAL MANUFACTURING  
INC., MUCCI PAC U.S.A. LTD.

Defendants.

**Civil Action No.** \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Reflection Code LLC (“Reflection Code” or “Plaintiff”), for its Complaint against Defendants Mucci Farms Ltd., (“Mucci Farms”), Mucci International Manufacturing Inc. (“Mucci Int’l”), and Mucci Pac U.S.A. Ltd. (“Mucci Pac”) (individually each a “Defendant” and collectively “Defendants”) alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff is a limited liability company organized under the laws of the State of Texas with a place of business at 101 E. Park Blvd., Suite 600, Plano, TX 75074 and is qualified to do business in the State of Michigan.

3. Upon information and belief, Mucci Farms is a corporation organized and existing under the laws of Ontario, with a place of business at 1876 Seacliff Drive, Kingsville ON, N9Y 2N1. Upon information and belief, Mucci Farms sells and offers to sell products and services

throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Mucci Int'l is a corporation organized and existing under the laws of Ontario, with a place of business at 1876 Seacliff Drive, Kingsville ON, N9Y 2N1. Upon information and belief, Mucci Int'l sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

5. Upon information and belief, Mucci Pac is a corporation organized and existing under the laws of the state of Michigan, with a place of business at 25300 Northline Rd, Taylor, MI 48180, and can be served through its registered agent, The Corporation Company at 40600 Ann Arbor Rd. E. Ste. 201, Plymouth, MI 48170. Upon information and belief, Mucci Pac sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §1400(b). On information and belief, Mucci Pac is incorporated in the State of Michigan. On information and belief, Mucci Farms and Mucci Int'l are foreign entities.

9. On information and belief, each Defendant is subject to this Court's general and specific personal jurisdiction because each Defendant has sufficient minimum contacts within the State of Michigan and this District, pursuant to due process and/or the Michigan Long Arm Statute because each Defendant purposefully availed itself of the privileges of conducting business in the State of Michigan and in this District, because each Defendant regularly conducts and solicits business within the State of Michigan and within this District, and because Plaintiff's causes of action arise directly from each of Defendant's business contacts and other activities in the State of Michigan and this District. Further, this Court has personal jurisdiction over Mucci Pac because it is incorporated in Michigan and has purposely availed itself of the privileges and benefits of the laws of the State of Michigan.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,733,657**

10. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated into this First Claim for Relief.

11. On May 27, 2014, U.S. Patent No. 8,733,657 ("the '657 patent"), entitled "Barcode Device," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '657 patent is attached as Exhibit 1.

12. The inventions of the '657 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in the use of such bar codes by allowing the bar code to point to an address of a publically available database, allowing increased flexibility in the information returned by the database.

13. The claims of the '657 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '657 patent recite one or more inventive concepts that are

rooted in computerized bar code scanning technology, and overcome problems specifically arising in the realm of computerized bar code scanning technologies.

14. The claims of the '657 patent recite an invention that is not merely the routine or conventional use of bar codes. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes that can be achieved on a publically available database. The '657 patent claims thus specify how interactions with barcodes and databases are manipulated to yield a desired result.

15. The technology claimed in the '657 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

16. Accordingly, each claim of the '657 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

17. As of the date of filing, there are at least twenty-one licensees to the '657 patent.

18. Plaintiff is the assignee and owner of the right, title and interest in and to the '657 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

19. Upon information and belief, each Defendant has and continues to directly infringe one or more claims of the '657 patent by making, using, selling, importing and/or providing and causing to be used products and/or services, in which the barcode device includes a value acting as a pointer addressing a database entry, and which returns a URL in the addressed database entry to a computer-controlled device, among other features; along with related

computer system(s) and functionality, which products by way of example include Defendant's retail consumer products and/or marketing materials (the "Accused Instrumentalities").

20. The Accused Instrumentalities disseminated by Defendants that incorporate a two-dimensional barcode device, as described above, include but are not limited to a quick response code found on the Mucci NakedLeaf Lettuce. A specific quick response code was captured on October 26, 2016 in Birmingham, Michigan.

21. Each Defendant incorporates a two-dimensional barcode device, as described above, into other retail consumer products and/or marketing materials, which are marketed and/or sold across the country and in this District.

22. On information and belief, these Accused Instrumentalities are used, marketed, provided to, and/or used by or for each of Defendant's partners, clients, customers and end users across the country and in this District.

23. Each Defendant was made aware of the '657 patent and its infringement thereof at least as early as the filing of this Complaint.

24. Upon information and belief, since at least the time each Defendant received notice, each Defendant has induced and continues to induce others to infringe at least one claim of the '657 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to each of Defendant's partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '657 patent.

25. In particular, each Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding

the Accused Instrumentalities. On information and belief, each Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because each Defendant has had actual knowledge of the '657 patent and knowledge that its acts were inducing infringement of the '657 patent since at least the date each Defendant received notice that such activities infringed the '657 patent.

26. Upon information and belief, each Defendant is liable as a contributory infringer of the '657 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate barcode technology to be especially made or adapted for use in an infringement of the '657 patent. The Accused Instrumentalities are a material component for use in practicing the '657 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

27. Plaintiff has been harmed by each Defendant's infringing activities.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,963,446 (INDIRECT)**

28. The allegations set forth in the foregoing paragraphs 1 through 27 are incorporated into this Second Claim for Relief

29. On June 21, 2011, U.S. Patent No. 7,963,446 ("the '446 patent"), entitled "Bar Code Device," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '446 patent is attached as Exhibit 2.

30. The inventions of the '446 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in the use of such bar codes by allowing the bar code to point to an address of a publically available database, allowing increased flexibility in the information returned by the database.

31. The claims of the '446 patent do not merely recited the performance of some business practice known from the pre-Internet world along with the requirement to perform it on

the Internet. Instead, the claims of the '446 patent recite one or more inventive concepts that are rooted in computerized bar code scanning technology, and overcome problems specifically arising in the realm of computerized bar code scanning technologies.

32. The claims of the '446 patent recite an invention that is not merely the routine or conventional use of the Internet. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes that can be achieved on a publically available database. The '446 patent claims thus specify how interactions with the Internet are manipulated to yield a desired result.

33. The technology claimed in the '446 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

34. Accordingly, each claim of the '446 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

35. As of the date of this filing, there are at least twenty-one licenses to the '446 patent.

36. Plaintiff is the assignee and owner of the right, title and interest in and to the '446 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

37. Upon information and belief, each Defendant has and continues to indirectly infringe one or more claims of the '446 patent by making, using, selling, importing and/or providing and causing to be used products and/or services, that incorporate a barcode device associated with said products and/or services, in which the barcode device includes information

used as a pointer to fetch a corresponding website address linked to the information from a remote database, among other features; along with related computer system(s) and functionality, which products by way of example include Defendant's retail consumer products and/or marketing materials (the "Accused Instrumentalities").

38. The Accused Instrumentalities disseminated by Defendants that incorporate a two-dimensional barcode device, as described above, include but are not limited to a quick response code found on the Mucci NakedLeaf Lettuce. A specific quick response code was captured on October 26, 2016 in Birmingham, Michigan.

39. Each Defendant incorporates a two-dimensional barcode device, as described above, into other retail consumer products and/or marketing materials, which are marketed and/or sold across the country and in this District.

40. On information and belief, these Accused Instrumentalities are used, marketed, provided to, and/or used by or for each of Defendant's partners, clients, customers and end users across the country and in this District.

41. Each Defendant was made aware of the '446 patent and its infringement thereof at least as early as the filing of this Complaint.

42. Upon information and belief, since at least the time each Defendant received notice, each Defendant has induced and continues to induce others to infringe at least one claim of the '446 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to each of Defendant's partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '446 patent.



43. In particular, each Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, each Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because each Defendant has had actual knowledge of the '446 patent and knowledge that its acts were inducing infringement of the '446 patent since at least the date each Defendant received notice that such activities infringed the '446 patent.

44. Upon information and belief, each Defendant is liable as a contributory infringer of the '446 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate a barcode device to be especially made or adapted for use in an infringement of the '446 patent. The Accused Instrumentalities are a material component for use in practicing the '446 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

45. Plaintiff has been harmed by each Defendant's infringing activities.

**COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,763,907 (INDIRECT)**

46. The allegations set forth in the foregoing paragraphs 1 through 45 are incorporated into this Third Claim for Relief

47. On July 1, 2014, U.S. Patent No. 8,763,907 ("the '907 patent"), entitled "Bar Code Device," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '907 patent is attached as Exhibit 3.

48. The inventions of the '907 patent resolve technical problems related to the use of bar codes, including two-dimensional bar codes. For example, the inventions allow flexibility in

the use of such bar codes by allowing the bar code to point to an address of a publically available database, allowing increased flexibility in the information returned by the database.

49. The claims of the '907 patent do not merely recited the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '907 patent recite one or more inventive concepts that are rooted in computerized bar code technology, and overcome problems specifically arising in the realm of computerized bar code technologies.

50. The claims of the '907 patent recite an invention that is not merely the routine or conventional use of the Internet. Instead, the invention makes use of specific lookup functionalities in conjunction with two-dimensional barcodes that can be achieved on a publically available database. The '907 patent claims thus specify how interactions with the Internet are manipulated to yield a desired result.

51. The technology claimed in the '907 patent does not preempt all ways of using barcodes or two-dimensional barcodes, nor preempt the use of all lookup technologies, nor preempt any other well-known or prior art technology.

52. Accordingly, each claim of the '907 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

53. As of the date of this filing, there are at least twenty-one licenses to the '907 patent.

54. Plaintiff is the assignee and owner of the right, title and interest in and to the '907 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

55. Upon information and belief, each Defendant has and continues to indirectly infringe one or more claims of the '907 patent by making, using, selling, importing and/or providing and causing to be used products and/or services, that incorporate a barcode device associated with said products and/or services, in which the barcode device includes information including a first uniform resource locator, which addresses a database on the internet to receive a second uniform resource locator, among other features; along with related computer system(s) and functionality, which products by way of example include Defendant's retail consumer products and/or marketing materials (the "Accused Instrumentalities").

56. The Accused Instrumentalities disseminated by Defendants that incorporate a two-dimensional barcode device, as described above, include but are not limited to a quick response code found on the Mucci NakedLeaf Lettuce. A specific quick response code was captured on October 26, 2016 in Birmingham, Michigan.

57. Each Defendant incorporates a two-dimensional barcode device, as described above, into other retail consumer products and/or marketing materials, which are marketed and/or sold across the country and in this District.

58. On information and belief, these Accused Instrumentalities are used, marketed, provided to, and/or used by or for each of Defendant's partners, clients, customers and end users across the country and in this District.

59. Each Defendant was made aware of the '907 patent and its infringement thereof at least as early as the filing of this Complaint.

60. Upon information and belief, since at least the time each Defendant received notice, each Defendant has induced and continues to induce others to infringe at least one claim of the '907 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or

willful blindness, actively aiding and abetting others to infringe, including but not limited to each of Defendant's partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '907 patent.

61. In particular, each Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, each Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because each Defendant has had actual knowledge of the '907 patent and knowledge that its acts were inducing infringement of the '907 patent since at least the date each Defendant received notice that such activities infringed the '907 patent.

62. Upon information and belief, each Defendant is liable as a contributory infringer of the '907 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States products and/or services that incorporate a barcode device to be especially made or adapted for use in an infringement of the '907 patent. The Accused Instrumentalities are a material component for use in practicing the '907 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

63. Plaintiff has been harmed by each Defendant's infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

- A. An adjudication that each Defendant has infringed the '657, '446, and '907 patents;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for Defendants' past infringement of the '657, '446, and '907 patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: April 6, 2018

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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