Coleman W. Watson, Esq.
coleman@watsonllp.com
WATSON LLP
189 S. Orange Avenue, Suite 810
Orlando, FL 32801
Telephone: 407.377.6634
Facsimile: 407.377.6688
Attorneys for Plaintiff, Coding Technologies LLC

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

CODING TECHNOLOGIES LLC,
 	
        Plaintiff,
 	
    vs.
 	
SOMA INTIMATES, LLC,
 	
        Defendant.
	Case No.: 2:18-cv-00334-JES-MRM
	
	AMENDED COMPLAINT
	
	INJUNCTIVE RELIEF DEMANDED
	
	JURY TRIAL DEMANDED

Plaintiff, CODING TECHNOLGIES LLC, sues Defendant, SOMA INTIMATES, LLC,

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, SOMA INTIMATES, LLC, is a domestic limited liability company

AMENDED COMPLAINT-1

1 with its headquarters located in Fort Myers, Florida. Defendant uses, sells, and/or offers to sell

2 products and services in interstate commerce that infringe the '159 Patent.

SUBJECT MATTER JURISDICTION

4   4.   This court has original jurisdiction over the subject matter of this action, pursuant

5 to 28 U.S.C. §§ 1331 and 1338(a), because this action involves a federal question relating to

6 patents.

PERSONAL JURISDICTION

8   5.   The court has general *in personam* jurisdiction over Defendant because Defendant

9 is found in this state. Alternatively, Defendant has already appeared in this action and has not

10 challenged *in personam* jurisdiction, which is now waived by operation of law.

VENUE

12   6.   Venue is proper in this court, pursuant to 28 U.S.C. § 1400(b), because Defendant

13 has committed acts of infringement in this district and has a regular and established place of

14 business in this district. Alternatively, Defendant has already appeared int his action and has not

15 challenged venue, which is now waived by operation of law.

COUNT I

PATENT INFRINGEMENT

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

19 forth herein.

20   8.   On September 24, 2013, the United States Patent & Trademark Office (USPTO)

21 duly and legally issued the '159 Patent, entitled "Method for Providing Mobile Service Using

22 Code Pattern." A true and authentic copy of the '159 Patent is attached hereto as **Exhibit "A"**

23 and is incorporated herein by reference.

24   9.   The '159 Patent teaches a method and apparatus for providing a mobile service

25 with the use of code pattern. The mobile service reads the code pattern and converts the

26 information recorded in the code pattern to produce content that may then be read by the human

27 eye. In one aspect of the invention, a user simply takes a photograph of a code pattern, the

28 invention decodes the photograph and recognized URL information that is contained in the code

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189 S. Orange Avenue, Suite 810
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1 pattern that is not recognizable by the human eye, the invention compares the content on the

2 entire URL associated with the code pattern, transmits information to the associated URL, and

3 then retrieves all content associated with the URL that corresponds with the code pattern.

4   10.   In short, the present invention, through use of technology, eliminates the need for

5 hand typing certain information into a URL, which, *inter alia*, eliminates the risk of transcription

6 error. The present invention is an improvement in the use of traditional barcodes; rather, the

7 present invention includes additional step of converting analog information to digital

8 information, which is an improvement in the prior art.

9   11.   The '159 Patent is directed to computerized decoding technologies to provide

10 users with access to and use of various content more conveniently. Traditionally, companies

11 simply provided their URL information to the consuming public, but this is effective only if a

12 consumer memorized the name and spelling of the URL. Thus, there was a need in the art to

13 provide an effective product or method to assist consumers with recalling website or URL with

14 its headquarters located in Fort Myers, Florida.

15   12.   The '159 Patent claims, among other things, a method of providing content with

16 the use of code pattern by a user terminal; a user terminal for providing content with the use of

17 code pattern; a non-transitory machine-readable storage medium having encoded thereon

18 program code; and, a method of providing content with the use of an image captured by a user

19 terminal.

20   13.   Collectively, the claimed embodiments in the '159 Patent provides new solutions

21 to problems related to transmitting information from a mobile service provider to a mobile

22 device. For example, the inventive concept can be used in a variety of circumstances, including

23 but not limited to transmitting and converting code patterns directed to taxi call services,

24 transmitting and converting code patterns directed to personal connection information, and

25 transmitting and converting code patterns directed to paying bills.

26   14.   The '159 Patent solves a problem with the art that is rooted in computer

27 technology that uses mobile service providers. The '159 Patent does not merely recite the

28 performance of some business practice known from the pre-Internet world along with the

1 requirement to perform it on the Internet.

2   15.   The invention claimed by the '159 Patent consists of a system of units that

3 correspond to produce an inventive concept. The system of units includes a code distribution

4 unit, barcode image analyzing unit, code information analyzing unit, transmitting /receiving unit,

5 code information database managing unit, control unit, photographing unit, and use interface

6 unit. In laymen's terms, each unit, which collectively interact as a whole to produce a result,

7 functions as follows:

8   a. Code distribution unit – unit that analyzes the service identifier recognized that a

9   service type is the content providing service, and transmits a received barcode

10   image or code information to the barcode image transmitting unit or the code

11   information analyzing unit according to embodiments;

12   b. Barcode image analyzing unit – unit that receives a barcode image photographed

13   by a photographing unit to extract code information from the barcode image and

14   transmit the code information to the code information analyzing unit in a case

15   where a decoder for decoding the barcode is not provided in the use terminal;

16   c. Code information analyzing unit – unit that functions to analyzed code

17   information received from the code distribution unit or the barcode image

18   analyzing unit and extract the information of a Web page, including content

19   information, from the analyzed code information corresponding to the code

20   information with reference to the code information database storing therein user

21   contact information corresponding to the information;

22   d. Transmitting/receiving unit – unit that functions to receive the content

23   information request message from the user terminal and transmit extracted content

24   information or Web page information to the user terminal;

25   e. Code information database managing unit – unit that functions to manage the

26   code information database storing therein the Web page information of a Web

27   server corresponding to the code information;

28   f. Control unit – unit that controls the respective components, generates control

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signals required to control the barcode image analyzing unit and the code

information analyzing unit, extracts content corresponding to the received content

request message, and transmits the content to the transmitting/receiving unit;

g. Photographing unit – unit that is a means for recognizing or photogating an image

that functions to recognize (or photograph) the barcode, convert recognized

(photographed) analog image data into digital image data, and transmit the digital

image data to the decoder;

h. User interface unit – unit that functions to provide a user interface so that the user

can access the service provider service to the provided with Internet content and

provides user interface so that the user can access a corresponding Web server

when the Web page information is received from the service provider server.

16.   Plaintiff is the assignee of the entire right, title, and interest in the '159 Patent at

the USPTO, including the right to assert causes of action arising under the '159 Patent.

17.   Upon information and belief, Defendant has and continues to directly infringe the

'159 Patent by making, using (including by at least internally testing the Accused Products as

defined herein), selling, offering for sale, importing in the United States, including this judicial

district, a user terminal designed to capture certain code pattern information and convert same

into embedded content, which embodies or uses the invention claimed in the '159 Patent (the

"Accused Products"), all in violation of 35 U.S.C. § 271.

18.   The Accused Products infringe at least claims 1, 2, 3, 8, 9, 10, 15, and 16 of the

'159 Patent. Each of these claims are system claims.

Claim 1

19.   Through claim 1, the '159 Patent claims a method of providing content with the

use of a code pattern by a user terminal, the method comprising: obtaining a photographic image

of a code pattern by a camera of the user terminal; processing, by a processor of the user

terminal, the photographic image of the code pattern to extract the code pattern from the

photographic image; decoding the extracted code pattern by the processor of the user terminal

into code information; transmitting a content information request message to a server based on

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1   the code information; and receiving content information from the server in response to the

2   content information request message.

3   20.   Defendant infringes claim 1.

4   21.   Defendant, at least in internal use and testing, practices a method of providing

5   content (*e.g.*, a web page associated with the defendant) with the use of a code pattern (*e.g.*, a

6   QR code) by a user terminal (*e.g.*, a smartphone), as demonstrated in the following image:

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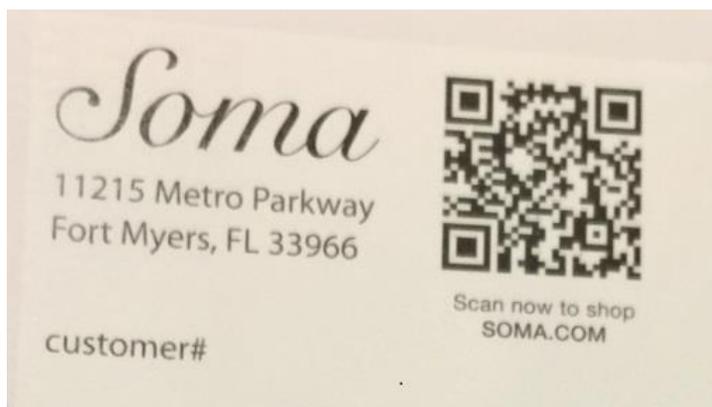
14   22.   Defendant, at least in internal use and testing, obtains a photographic image of a

15   code pattern (*e.g.*, QR code) by a camera of the user terminal (*e.g.*, smartphone), as shown

16   below:
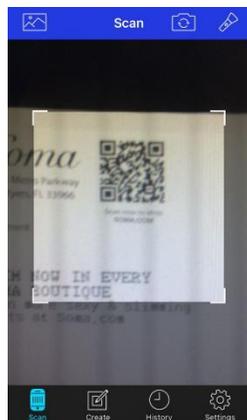
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26   23.   Defendant, at least in internal use and testing, processes by a processor of the user

27   terminal (*e.g.*, smartphone), the photographic image of the code pattern (*e.g.*, QR code) to view

28   and extract the code pattern from the photographic image.

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1   24.   Defendant, at least in internal use and testing, decodes the extracted code pattern

2   by the processor of the user terminal from the QR code into code information (*e.g.*, URL of web

3   page associated with the defendant), as shown below:

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11   25.   Defendant, at least in internal use and testing, transmits a content information

12   request message (*e.g.*, http request message for accessing the webpage associated with

13   Defendant) to a server (*e.g.*, Defendant's server) based on the code information (*e.g.*, URL of the

14   webpage associated with Defendant). As shown below, once the URL is decoded from the

15   extracted QR code, a request for accessing a webpage associated with Defendant is sent to

16   Defendant's server.

17   26.   Defendant, at least in internal use and testing, receives content information (*e.g.*, a

18   web page associated with Defendant) from the server (*e.g.*, Defendant's server) in response to

19   the content information request message (*e.g.*, http request message for accessing the webpage

20   associate with Defendant). As shown below, the terminal (*e.g.*, smartphone) receives content

21   information (*e.g.*, webpage associated with Defendant).

22   *Claim 2*

23   27.   Through claim 2, the '159 Patent claims the method of claim 1, wherein the

24   content information comprises at least one of the following: image, sound, moving picture, and

25   text data.

26   28.   Defendant infringes claim 2.

27   29.   Defendant uses a user terminal to receive content information that comprises

28   image and text data.

AMENDED COMPLAINT-7

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Claim 3

2   30.   Through claim 3, the '159 Patent claims the method of claim 1, wherein the

3   transmitting a content information request message includes: extracting a uniform resource

4   locator (URL) of the server from the code information; and transmitting the content information

5   request message to the server based on the extracted URL.

6   31.   Defendant infringes claim 3.

7   32.   Defendant transmits a content information request message (*e.g.*, http request

8   message for accessing the webpage associate with Defendant) which includes extracting URL of

9   the server and transmitting the content information request message (*e.g.*, http request message

10   for accessing the webpage associate with Defendant) to the server (*e.g.*, Defendant's server)

11   based on the extracted URL.

Claim 8

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13   33.   Through claim 8, the '159 Patent claims a user terminal for providing content

14   with the use of a code pattern, the user terminal comprising: a camera configured to obtain a

15   photographic image of a code pattern; a processor comprising: an image processor configured to

16   process the photographic image of the code pattern to extract the code pattern from the

17   photographic image; and a decoder configured to decode the extracted code pattern into code

18   information; and a transceiver configured to (i) transmit a content information request message

19   to a server based on the code information; and (ii) receive content information from the server in

20   response to the content information request message.

21   34.   Defendant infringes claim 8.

22   35.   Defendant, at least in internal use and testing, uses a user terminal (*e.g.*,

23   smartphone) for providing content (*e.g.*, a web page associated with Defendant) with the use of a

24   code pattern (*e.g.*, QR code).

25   36.   Defendant uses a user terminal comprising a camera configured to obtain a

26   photographic image of a code pattern (*e.g.*, QR code).

27   37.   Defendant uses a user terminal comprising a processor which in turn comprises an

28   image processor configured to process the photographic image of the code pattern (*e.g.*, QR

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code) to extract the code pattern (*e.g.*, QR code) from the photographic image. Once the photographic image of the QR code is captured by the camera of the smartphone, the photographic image is processed to retrieve the QR code. The retrieved QR code can be viewed on the user interface screen of the smartphone.

38.   Defendant uses a user terminal (*e.g.*, smartphone) comprising a decoder that is configured to decode the extracted code pattern (*e.g.*, QR code) into code information (*e.g.*, URL of web page associated with Defendant).

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

Claim 9

40.   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

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1 text data.

2   41.   Defendant infringes claim 9.

3   42.   Defendant uses a user terminal to receive content information that comprises

4 image and text data.

5 *Claim 10*

6   43.   Through claim10, the '159 Patent claims the user terminal of claim 8, wherein:

7 the processor is further configured to extract a uniform resource locator (URL) of the server

8 from the code information; and the transceiver is further configured to transmit the content

9 information request message to the server based on the extracted URL.

10   44.   Defendant infringes claim 10.

11   45.   Defendant uses a user terminal (*e.g.*, smartphone) that is configured to extract a

12 uniform resource locator (URL) of the server (*e.g.*, Defendant's server) from the code

13 information (*e.g.*, URL of web page associated with Defendant).

14   46.   Defendant uses a user terminal (*e.g.*, smartphone) comprising a transceiver

15 configured to transmit the content information request message (*e.g.*, http request message for

16 accessing the webpage associate with Defendant) to the server (*e.g.*, Defendant's server) based

17 on the extracted URL.

18 *Claim 15*

19   47.   Through claim 15, the '159 Patent claims a non-transitory machine-readable

20 storage medium, having encoded thereon program code, wherein, when the program code is

21 executed by a machine, the machine implements a method for providing content with the use of

22 a code pattern by a user terminal, comprising the steps of: obtaining a photographic image of a

23 code pattern by a camera of the user terminal; processing, by a processor of the user terminal,

24 the photographic image of the code pattern to extract the code pattern from the photographic

25 image; decoding the extracted code pattern by the processor of the user terminal into code

26 information; transmitting a content information request message to a server based on the code

27 information; and receiving content information from the server in response to the content

28 information request message.

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1   48.   Defendant infringes claim 15.

2   49.   Defendant, at least in internal use and testing, practices a method of providing

3   content (*e.g.*, a webpage associated with Defendant) with the use of a code pattern (*e.g.*, a QR

4   code) by a user terminal (*e.g.*, a smartphone).

5   50.   Defendant, at least in internal use and testing, obtains a photographic image of a

6   code pattern (*e.g.*, QR code) by a camera of the user terminal (*e.g.*, smartphone).

7   51.   Defendant, at least in internal use and testing, uses a processor of the user

8   terminal (*e.g.*, smartphone) to processes the photographic image of the code pattern (*e.g.*, QR

9   code) to extract the code pattern from the photographic image.

10   52.   Defendant, at least in internal use and testing, decodes the extracted code pattern

11   by the processor of the user terminal into code information (*e.g.*, URL of web page associated

12   with Defendant).

13   53.   Defendant, at least in internal use and testing, transmits and receives a content

14   information request message (*e.g.*, http request message for accessing the webpage associated

15   with Defendant) to and from a server (*e.g.*, Defendant's server) based on the code information

16   (*e.g.*, URL of the webpage associated with Defendant).

17   *Claim 16*

18   54.   Through claim 16, the '159 Patent claims a method of providing content with the

19   use of an image captured by a user terminal, the method comprising: obtaining a photographic

20   image by a camera of the user terminal; processing, by a processor of the user terminal, the

21   photographic image to extract characteristic information from the photographic image;

22   transmitting a content information request message with the extracted characteristic information

23   to a server; and receiving content information from the server in response to the content

24   information request message.

25   55.   Defendant infringes claim 16.

26   56.   Defendant, at least in internal use and testing, practices a method of providing

27   content (*e.g.*, a webpage associated with Defendant) with the use of a code pattern (*e.g.*, a QR

28   code) by a user terminal (*e.g.*, a smartphone).

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57.   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).

58.   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 extract characteristic information from the photographic image.

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

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

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

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

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

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

WHEREFORE, Plaintiff, CODING TECHNOLOGIES LLC, demands judgment against Defendant, SOMA INTIMATES, LLC, and respectfully seeks the entry of an order (i) adjudging that Defendant has infringed the '159 Patent, in violation of 35 U.S.C. § 271; (ii) granting an injunction enjoining Defendant, its employees, agents, officers, directors, attorneys,

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1   successors, affiliates, subsidiaries and assigns, and all of those in active concert and participation

2   with any of the foregoing persons or entities from infringing, the '159 Patent; (iii) ordering

3   Defendant to account and pay damages adequate to compensate Plaintiff for Defendant's

4   infringement of the '159 Patent, with pre-judgment and post-judgment interest and costs,

5   pursuant to 35 U.S.C. § 284; (iv) ordering that the damages award be increased up to three times

6   the actual amount assessed, pursuant to 35 U.S.C. § 284; (v) declaring this case exceptional and

7   awarding Plaintiff its reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and, (vi) awarding

8   such other and further relief as this court deems just and proper.

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10   **DATED** on June 22, 2018

11

12   Respectfully submitted,

13   WATSON LLP

14

15   */s/ Coleman W. Watson*
                                            Coleman W. Watson, Esq.
16   Florida Bar. No. 0087288
                                            California Bar No. 266015
17   Georgia Bar No. 317133
                                            New York Bar Reg. No. 4850004
18   Email: coleman@watsonllp.com
                                                   docketing@watsonllp.com
19   **Leia V. Leitner, Esq.**
                                            Florida Bar No. 0105621
20   Email**:** leia@watsonllp.com
                                            Ronika J. Carter, Esq.
21   Florida Bar No. 0122358
                                            Email: ronika@watsonllp.com
22
                                            WATSON LLP
23   189 S. Orange Avenue
                                            Suite 810
24   Orlando, FL 32801
                                            Telephone: 407.377.6634
25   Facsimile: 407.377.6688

26   *Attorneys for Plaintiff*
                                            Coding Technologies LLC
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