

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

CODING TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	Case No: 3:19-cv-00936-K
	§	
vs.	§	PATENT CASE
	§	
CHILI’S, INC. and BRINKER INTERNATIONAL, INC.,	§	
	§	
Defendant.	§	
	§	
	§	

**FIRST AMENDED COMPLAINT**

Plaintiff Coding Technologies, LLC (“Plaintiff” or “CT”) files this First Amended Complaint against Chili’s, Inc. (“Chili’s”) and Brinker International, Inc. (“Brinker”), (Collectively “Defendants”) for infringement of United States Patent No. 8,540,159 (the “159 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with a place of business at 1400 Preston Road, Suite 400, Plano, Texas 75093.

4. On information and belief, Chili’s is a Delaware corporation with a principal office address of 3000 Olympus Boulevard, Coppell, TX 75019. On information and belief,

Defendant may be served through its agent, Prentice-Hall Corp. System, Inc., at 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

5. On information and belief, Brinker is a Delaware corporation with a principal office address of 3000 Olympus Boulevard, Coppell, TX 75019. On information and belief, Defendant may be served through its agent, Prentice Hall Corporation System, 211 E. 7<sup>th</sup> St., Suite 620, Austin, TX 78701.

6. This Court has personal jurisdiction over Defendants because Defendants have committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

7. Upon information and belief, Defendants' instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

### **VENUE**

8. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because acts of infringement are occurring in this District and Defendants have a regular and established place of business in this District. For example, Defendants have a regular and established place of business at 3000 Olympus Boulevard, Coppell, TX 75019.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,540,159)**

9. Plaintiff incorporates paragraphs 1 through 8 herein by reference.

10. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

11. Plaintiff is the owner by assignment of the '159 Patent with sole rights to enforce the '159 Patent and sue infringers.

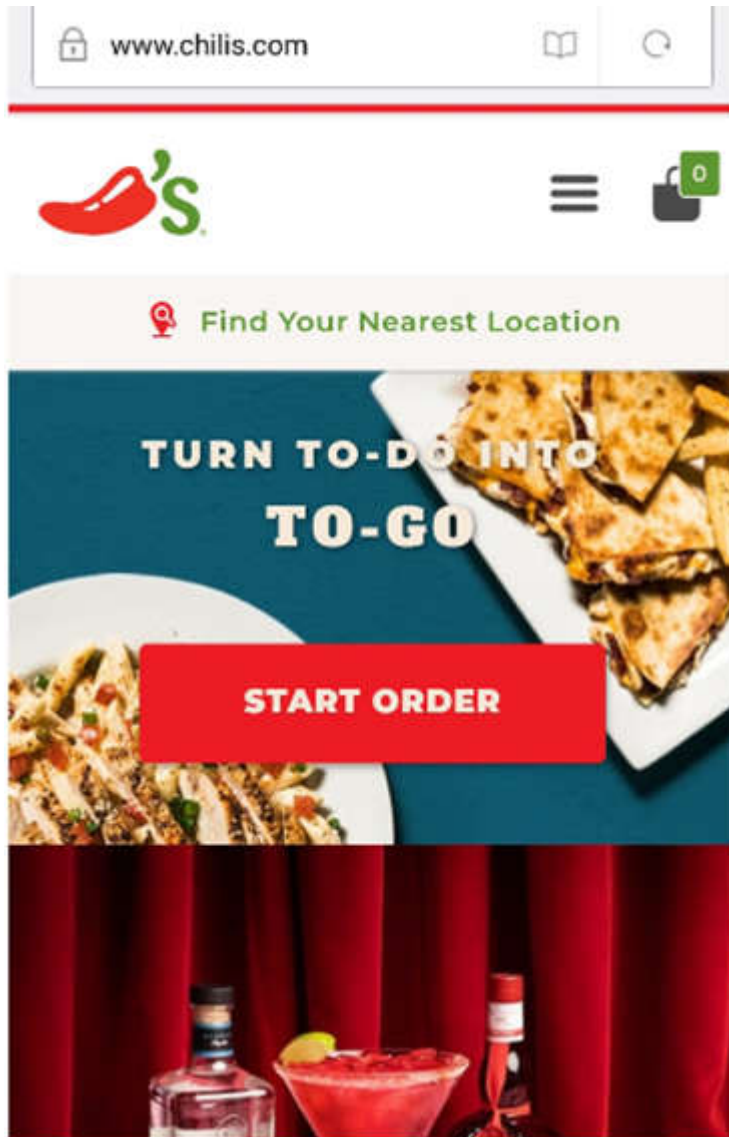
12. A copy of the ‘159 Patent, titled “Method for Providing Mobile Service Using Code-pattern,” is attached hereto as Exhibit A.

13. The ‘159 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

14. Upon information and belief, at least through internal testing, Defendants have infringed and continues to infringe one or more claims, including at least Claims 1, 2, 3, 8, 9, 10, 15 and 16 of the ‘159 Patent by using and/or incorporating code patterns in connection with promotional media distributed by and/or controlled by Defendants in a manner covered by one or more claims of the ‘159 Patent. Defendants have infringed and continues to infringe the ‘159 Patent in violation of 35 U.S.C. § 271.

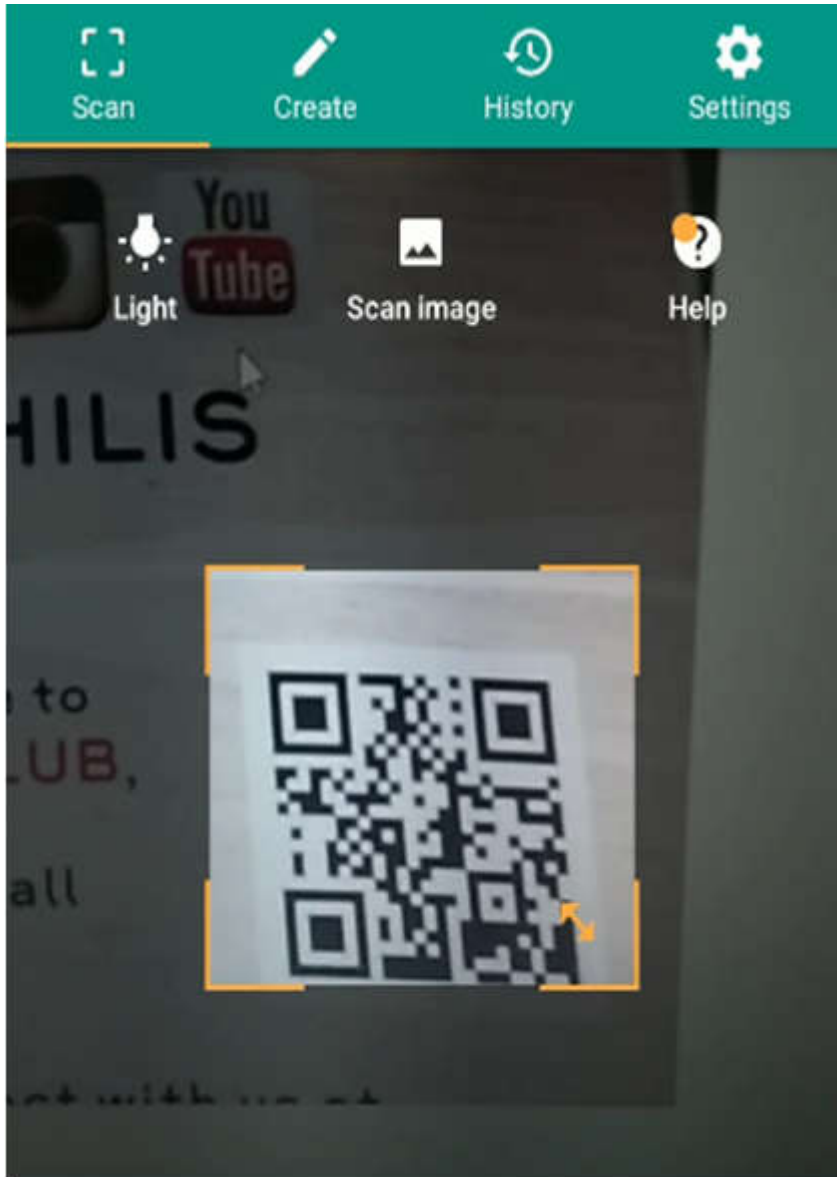
15. Regarding Claim 1, at least through internal use and testing, Defendants provide content (e.g., a website with promotional information) with the use of a code pattern (e.g., a QR code) in connection with promotional media containing the code pattern. The content is provided by a user terminal (e.g., a smartphone or other device capable of scanning the code pattern). Certain aspects of this element are illustrated in the screenshots below.





16. A photographic image of the code pattern is obtained using a camera of the user terminal (e.g., the camera of the smartphone). These elements are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.





17. A processor of the user terminal processes the photographic image of the code pattern to extract the code pattern from the photographic image. The extracted code pattern can be viewed by the user. Certain aspects of this element are illustrated in the screenshots below and/or screenshots referenced in other paragraphs herein.

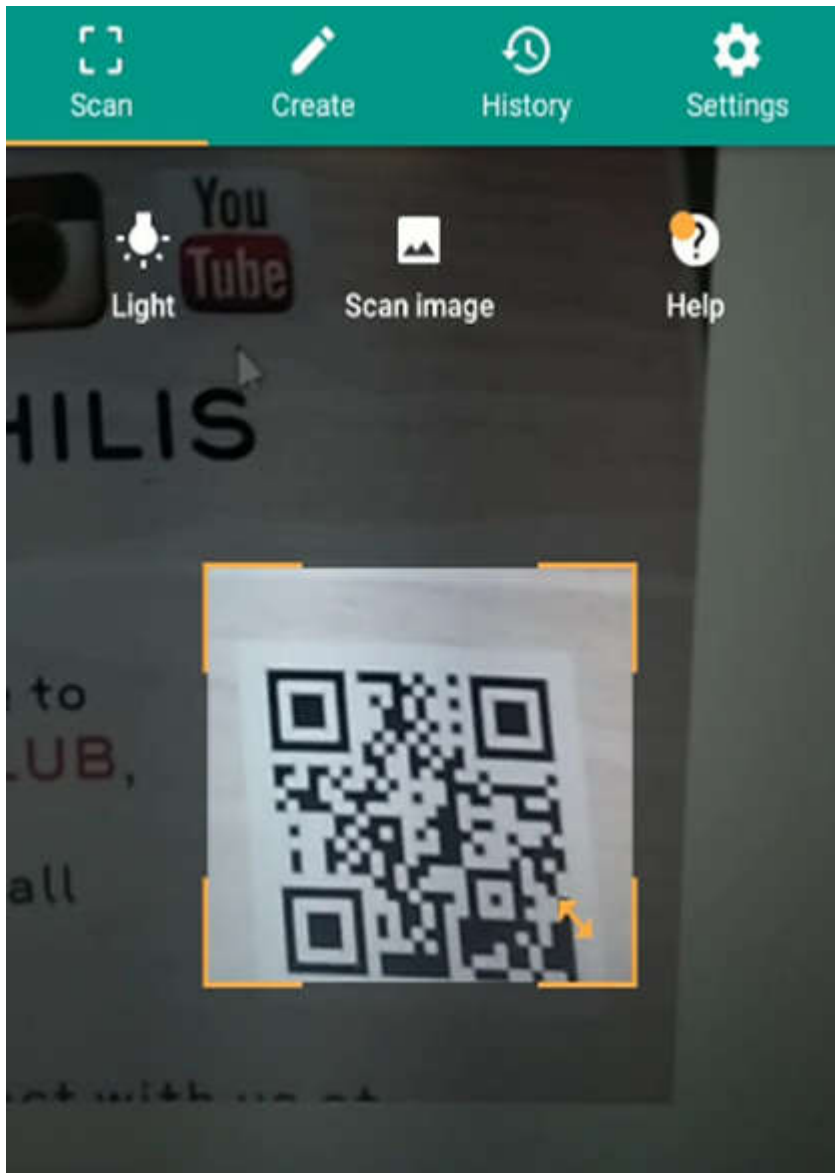
# iPhone 7

Overview

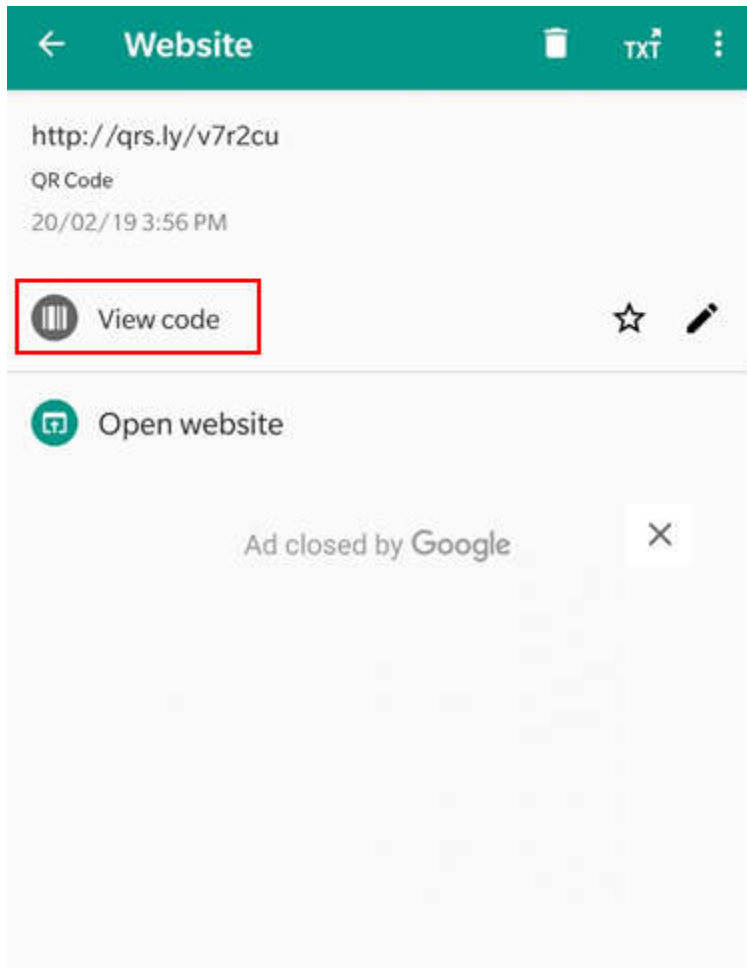
## Chip



A10 Fusion chip with 64-bit architecture  
Embedded M10 motion coprocessor





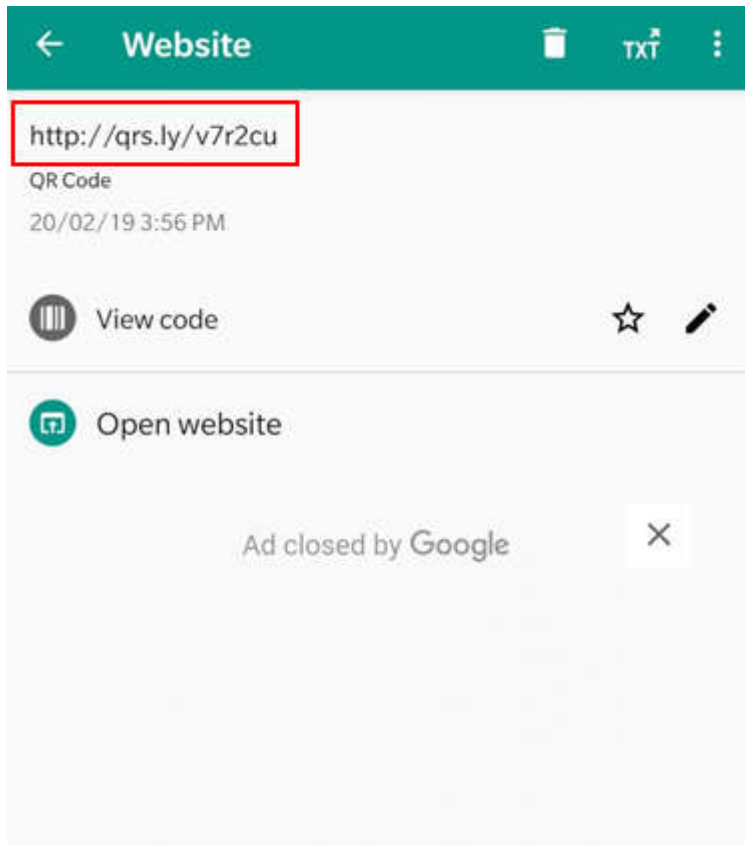




18. The extracted code pattern is decoded by the processor into code information (e.g., the URL of the web page associated with Defendants). Certain aspects of this element are illustrated in the screenshots below and/or screenshots referenced in other paragraphs herein.

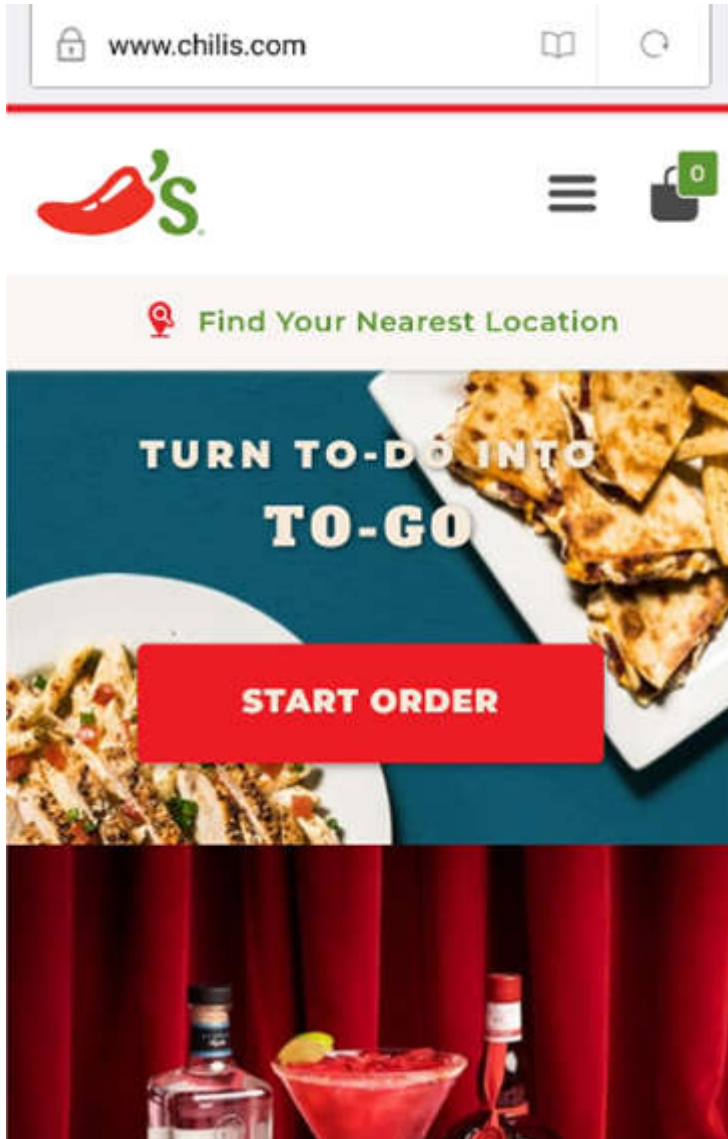


<http://www.qreative-media.de/images/gr-codes-action.jpg>



19. A content information request message is sent to a server based on the code information. For example, an http request message requesting access of the web page is sent to Defendants' server based on the code information (e.g., the URL of the associated web page). Content information (e.g., the associated webpage) is received from the server in response to the content information request message. Certain aspects of this element are illustrated in the screenshots referenced in other paragraphs herein.

20. Defendants, at least in internal use and testing, practices receiving content information (e.g., a webpage associated with Defendant) from the server (e.g., Defendant's server) in response to the content information request message. The terminal (e.g., smartphone) receives Defendants' webpage. Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.



21. Regarding Claim 2, and as shown in the screenshots above, the content information comprises at least one of: image, sound, moving picture, and text data.

22. Regarding Claim 3, the step of 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. For example, the content information request message is an http request message for accessing the web page associated with Defendants. The URL of the server is extracted from

the code pattern and the content information request message is transmitted based on the extracted URL. This is illustrated in the screenshots above.

23. Regarding Claim 8, Defendants, at least in internal use and testing, utilizes a user terminal (e.g., smartphone) for providing content (e.g., a webpage associated with Defendant) with the use of a code pattern (e.g., a QR code). Defendants provide a code pattern (e.g., a QR code) in connection with promotional media content (e.g., content provided through a code scan leading to a web page). At least through internal use and testing, Defendants provide content (e.g., a web page associated with Defendants) with the use of the code pattern by a user terminal (e.g., a smartphone). A camera is used to obtain a photographic image of the code pattern. The user terminal comprises a processor which in turn comprises an image processor configured to process the photographic image of the QR code to extract the QR code from the photographic image. The processor of the user terminal comprises an image processor which operates on images and facilitates image processing applications, namely, capturing image of the QR code and extracting the QR code therefrom. 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 by selecting “View code” option on the user interface screen of the user terminal (e.g., smartphone). The processor of the user terminal (e.g., smartphone) comprises a decoder which is configured to decode the extracted code pattern (e.g., QR code) into code information (e.g., URL of web page associated with the defendant, embedded in the QR code). For example, an http request message requesting access of the web-page is sent to Defendants’ server based on the code information (e.g., the URL of the associated web page). The transceiver receives content information (e.g., the associated webpage) from the server in response to the content information request message. These claim elements correspond

to the steps in Claim 1 and are further described in connection with paragraphs 14-19 above. These claim elements are also illustrated in the screenshots provided above.

24. Regarding Claim 9, and as shown in the screenshots above, the content information comprises at least one of: image, sound, moving picture, and text data.

25. Regarding Claim 10, the processor is configured to extract a uniform resource locator (URL) of the server from the code information and the transceiver is configured to transmit the content information request message to the server based on the extracted URL. For example, the content information request message is an http request message for accessing the web page associated with Defendants. The URL of the server is extracted from the code pattern and the content information request message is transmitted based on the extracted URL. This is illustrated in the screenshots above.

26. Regarding Claim 15, on information and belief, Defendants provide and/or use a non-transitory machine-readable storage medium having encoded thereon program code, wherein the program code is executed by a machine, and wherein the machine implements the method described above in connection with at least Claim 1 (as described in connection with paragraphs 14-19 and the screenshots provided above). Those method steps are the same as recited in connection with Claim 15.

27. Regarding Claim 16, Defendants provide a code pattern (e.g., a QR code) in connection with promotional media content (e.g., content provided through a code scan leading to a website). At least through internal testing, Defendants provide content (e.g., a web page associated with Defendants) with the use of the code pattern by a user terminal (e.g., a smartphone). A photographic image of the code pattern is obtained using a camera of the user terminal (e.g., the camera of the smartphone). The user terminal comprises a processor which

in turn comprises an image processor configured to process the photographic image of the QR code to extract the QR code from the photographic image. The processor of the user terminal comprises an image processor which operates on images and facilitates image processing applications, namely, capturing image of the QR code and extracting the QR code therefrom. 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 by selecting “View code” option on the user interface screen of the user terminal (e.g., smartphone). The processor of the user terminal (e.g., smartphone) comprises a decoder which is configured to decode the extracted code pattern (e.g., QR code) into code information (e.g., URL of web page associated with the defendants, embedded in the QR code). For example, an http request message requesting access of the web page is sent to Defendants’ server based on the code information (e.g., the URL of the associated web page). Content information (e.g., the associated web page) is received from the server in response to the content information request message. These claim elements correspond to the steps in Claim 1 and are further described in connection with paragraphs 14-19 above. These claim elements are also illustrated in the screenshots provided above.

28. Defendants’ actions complained of herein will continue unless Defendants are enjoined by this court.

29. Defendants’ actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

30. Plaintiff is in compliance with 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendants, their agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 8,540,159 (or, in the alternative, awarding Plaintiff running royalties from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.



Dated: June 3, 2019

Respectfully submitted,

*/s/ Jay Johnson*

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I, Jay Johnson, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by electronic mail on all counsel of record who are not served through the CM/ECF system on June 3, 2019.

*/s/ Jay Johnson*

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**JAY JOHNSON**

**EXHIBIT A**