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

CODING TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	Case No: 3:19-cv-00938
	§	
vs.	§	PATENT CASE
	§	
KIRBY-SMITH MACHINERY, INC.,	§	
	§	
Defendant.	§	
	§	

FIRST AMENDED COMPLAINT

Plaintiff Coding Technologies, LLC ("Plaintiff" or "CT") files this First Amended Complaint against Kirby-Smith Machinery, Inc. ("Defendant" or "KSM") 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, Defendant is an Oklahoma corporation with a principal office address of 6715 West Reno Ave., Oklahoma City, OK 73127. On information and belief, Defendant can be served through its agent, Len Cason, at 201 Robert S Kerr Ave.,

Suite 1600, Oklahoma City, OK 73102.

5. This Court has personal jurisdiction over Defendant because Defendant has 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. Alternatively, Defendant has already appeared in this action and has not challenged *in personam* jurisdiction, which is now waived by operation of law.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. 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 Defendant has a regular and established place of business in this District. For example, Defendant has a regular and established place of business at 8505 S. Central Expy, Dallas, TX 75241. Alternatively, Defendant has already appeared in this action and has not challenged venue, which is now waived by operation of law.

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

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

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

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

11. A copy of the '159 Patent, titled "Method for Providing Mobile Service Using

Code-pattern," is attached hereto as Exhibit A.

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

13. On September 24, 2013, the United States Patent & Trademark Office (USPTO) duly and legally issued the '159 Patent.

14. The '159 Patent teaches a method and apparatus for providing a mobile service with the use of code pattern. The mobile service reads the code pattern and converts the information recorded in the code pattern to produce content that may then be read by the human eye. In one aspect of the invention, a user simply takes a photograph of a code pattern, the invention decodes the photograph and recognizes URL information that is contained in the code pattern that is not recognizable by the human eye, the invention compares the content on the entire URL associated with the code pattern, transmits information to the associated URL, and then retrieves all content associated with that URL that corresponds with the code pattern.

15. In short, the present invention, through use of technology, eliminates the need for hand typing certain information into a URL, which, inter alia, eliminates the risk of transcription error. The present invention is an improvement in the use of traditional barcodes; rather, the present invention includes the additional step of converting analog information to digital information, which is an improvement in the prior art.

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

information.

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

18. Collectively, the claimed embodiments in the ‘159 Patent provides new solutions to problems related to transmitting information from a mobile service provider to a mobile device. For example, the inventive concept can be used in a variety of circumstances, including but not limited to transmitting and converting code patterns directed to taxi call services, transmitting and converting code patterns directed to personal connection information, and transmitting and converting code patterns directed to paying bills.

19. The ‘159 Patent solves a problem with the art that is rooted in computer technology that uses mobile service providers. The ‘159 Patent does 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.

20. The invention claimed by the ‘159 Patent consists of a system of units that correspond to produce an inventive concept. The system of units includes a code distribution unit, barcode image analyzing unit, code information analyzing unit, transmitting/receiving unit, code information database managing unit, control unit, photographing unit, and user interface unit. In laymen’s terms, each unit, which collectively interact as a whole to produce a result, functions as follows:

a. Code distribution unit – unit that analyzes the service identifier recognizes that a

service type is the content providing service, and transmits a received barcode image or code information to the barcode image transmitting unit or the code information analyzing unit according to embodiments;

b. Barcode image analyzing unit – unit that receives a barcode image photographed by a photographing unit to extract code information from the barcode image and transmit the code information to the code information analyzing unit in a case where a decoder for decoding the barcode is not provided in the user terminal;

c. Code information analyzing unit – unit that functions to analyze code information received from the code distribution unit or the barcode image analyzing unit and extract the information of a Web page, including content information, from the analyzed code information corresponding to the code information with reference to the code information database storing therein user contact information corresponding to the code information;

d. Transmitting/receiving unit – unit that functions to receive the content information request message from the user terminal and transmit extracted content information or Web page information to the user terminal;

e. Code information database managing unit – unit that functions to manage the code information database storing therein the Web page information of a Web server corresponding to the code information;

f. Control unit – unit that controls the respective components, generates control 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 photographing 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 server to be provided with Internet content and provides user interface so that the user can access a corresponding Web server when Web page information is received from the service provider server.

21. Upon information and belief, at least through internal testing, Defendant has 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 Defendant in a manner covered by one or more claims of the '159 Patent. Defendant has infringed and continues to infringe the '159 Patent in violation of 35 U.S.C. § 271.

22. Regarding Claim 1, at least through internal use and testing, Defendant provides 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.

SALUTE TO A CUSTOMER

CORNELL CONSTRUCTION COMPANY

Clinton, Okla., contractor provides grading, asphalt paving services with quality in mind

The paving crew then moved to an Interstate 40 job near Erick, before heading back to Clinton for an $8 million widening project to expand Highway 183 from two to four lanes for six miles between Clinton and Arapaho.

Through the years, Cornell Construction has completed projects like these on some of the state's most recognizable routes, including the Indian Nation, H.E. Bailey and Chickasaw Turnpikes, Interstates 40 and 35 and "nearly every state highway in western Oklahoma," according to Johnny. "In fact, we've maintained, rebuilt'ed and widened some of the same roads my dad worked on and originally built."

He credits an experienced staff for helping Cornell Construction complete projects on schedule and on budget. In addition to his son John Lee, key individuals include Asphalt Paving Superintendent David Wolf, Asphalt Foreman Ricky Sifuentes, Grading Foreman Chris Thompson, Asphalt Plant

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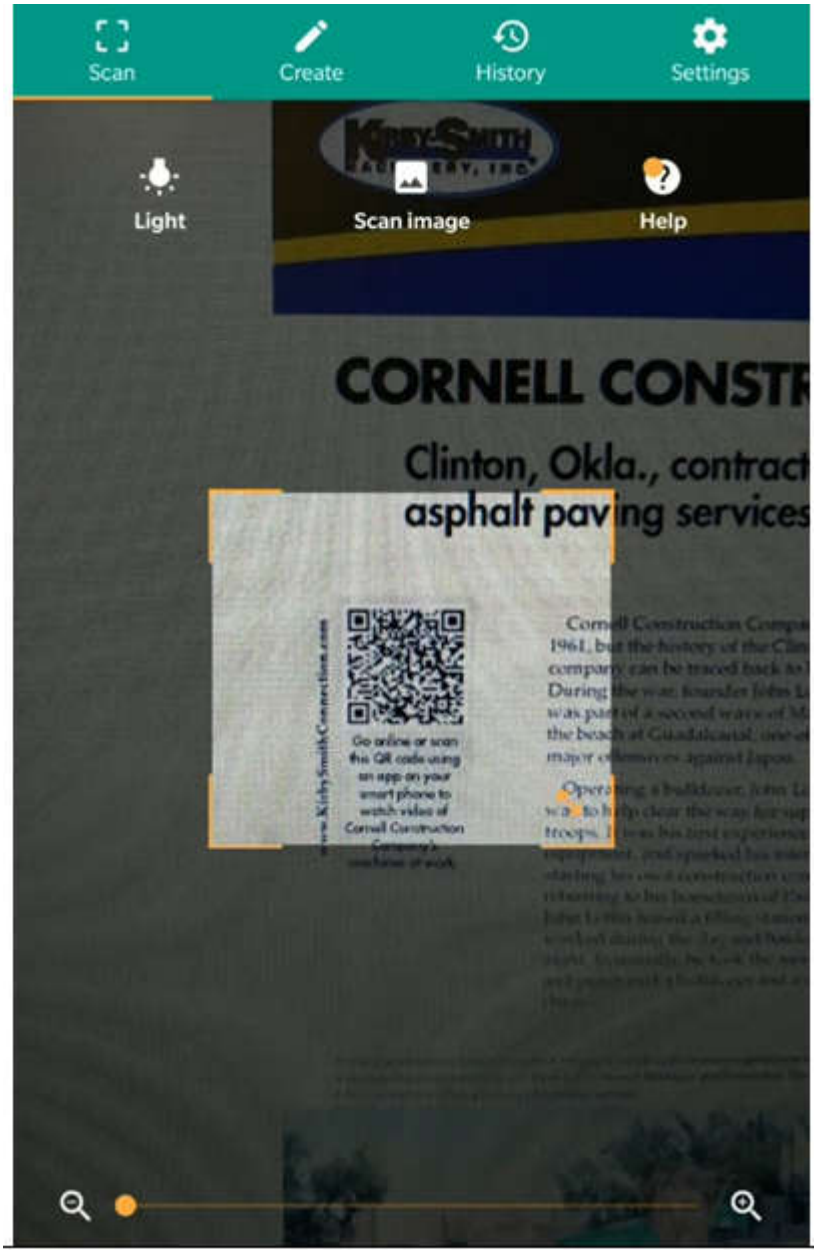
23. A photographic image of the code pattern is obtained using a camera of the user terminal (e.g., the camera of the smartphone). These elements are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

iPhone



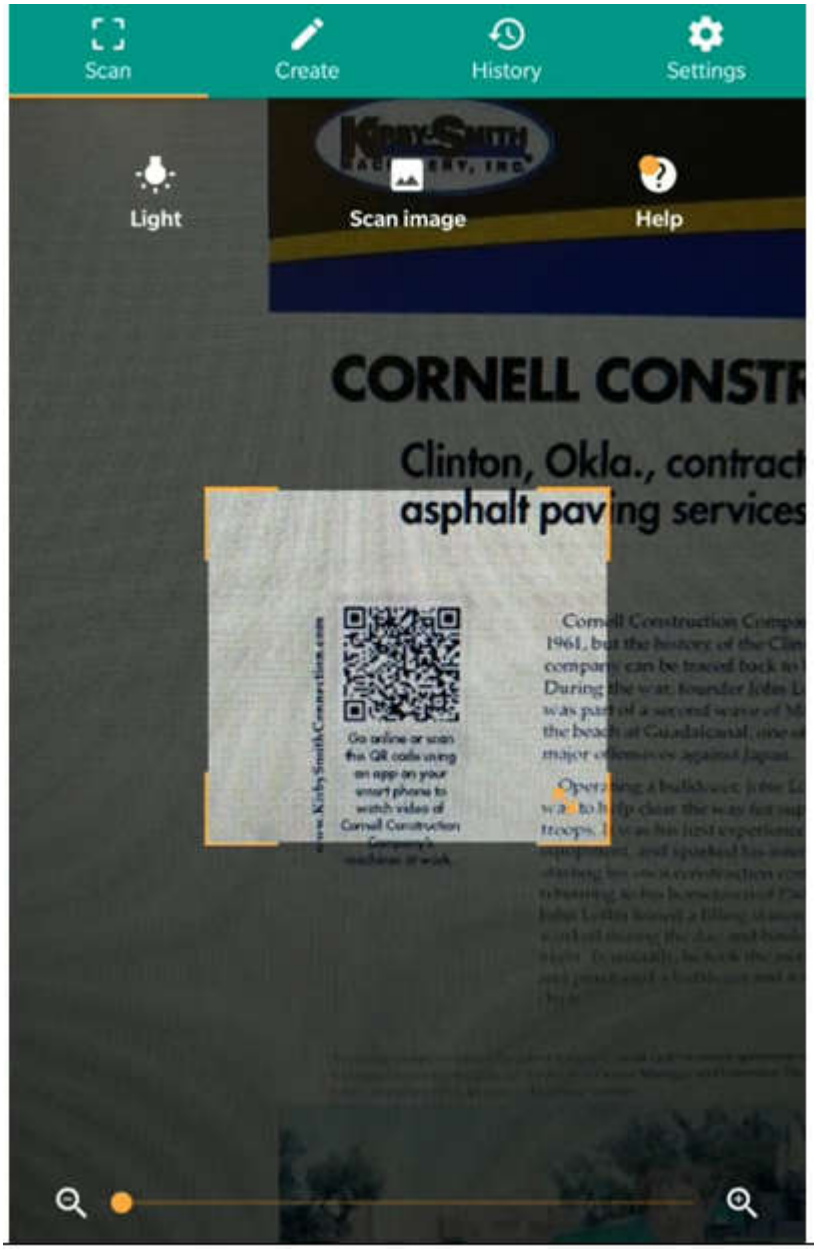
24. A processor of the user terminal processes the photographic image of the code pattern to extract the code pattern from the photographic image. The extracted code pattern can be viewed by the user. Certain aspects of this element are illustrated in the screenshots below and/or those referenced in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

iPhone 7 Overview

Chip

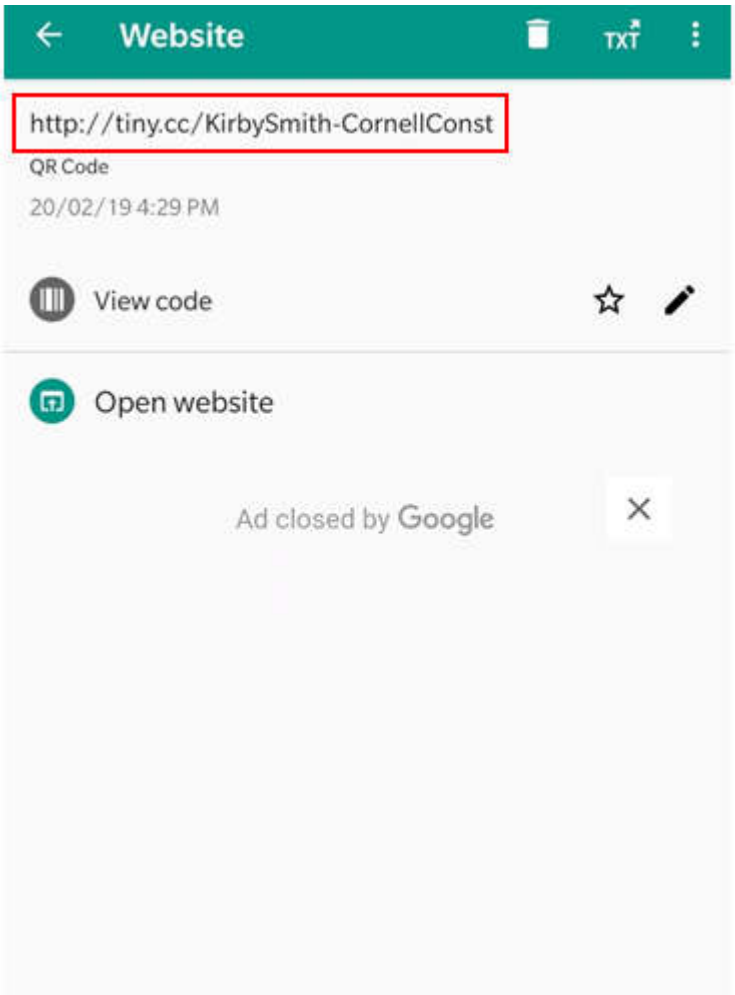
A10 Fusion chip with 64-bit architecture

Embedded M10 motion coprocessor



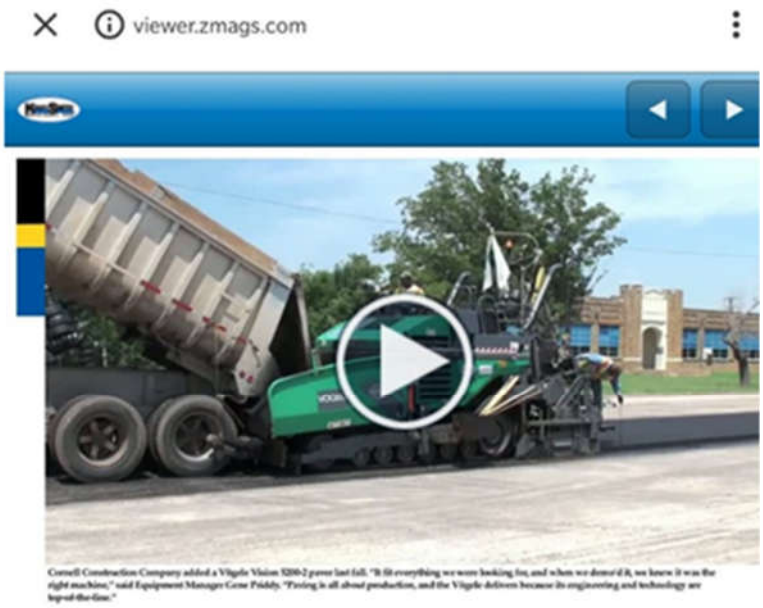
25. The extracted code pattern is decoded by the processor into code information (e.g., the URL of the web page associated with Defendant). Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.

http://www.qreative-media.de/images/qr-codes-action.jpg



26. 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 Defendant's 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. Certain aspects of this element are illustrated in the screenshots referenced in other paragraphs herein.

27. Defendant, at least in internal use and testing, practices receiving 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. The terminal (e.g., smartphone) receives Defendant's webpage. Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.



The paving crew then moved to an Interstate 40 job near Erick, before heading back to Clinton for an $8 million widening project to expand Highway 183 from two to four lanes for six miles between Clinton and Arapaho.

Through the years, Cornell Construction has completed projects like these on some of the state's most recognizable routes, including the Indian Nation, H.E. Bailey and Chickasaw Turnpikes, Interstates 40 and 35 and "nearly every state highway in western Oklahoma," according to Johnny. "In fact, we've maintained, rebuilt'ed and widened some of the same roads my dad worked on and originally built."

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28. 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.

29. 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 Defendant. 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.

30. Regarding Claim 8, Defendant, at least in internal use and testing, utilizes a user terminal (e.g., smartphone) for providing content (e.g., a web page associated with Defendant) with the use of a code pattern (e.g., a QR code). Defendant provides 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, Defendant provides content (e.g., a web page associated with Defendant) 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 Defendant's server based on the code information (e.g., the URL of the associated web page). The transceiver receives content information (e.g., the associated web page) 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 22-27 above. These claim elements are also illustrated in the screenshots provided above.

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

32. 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 Defendant. 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.

33. Regarding Claim 15, on information and belief, Defendant provides and/or uses 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 22-27 and the screenshots provided above). Those method steps are the same as recited in connection with Claim 15.

34. Regarding Claim 16, Defendant provides 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, Defendant provides content (e.g., a web page associated with Defendant) 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 defendant, embedded in the QR code). For example, an http request message requesting access of the web page is sent to Defendant's 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 22-27 above. These claim elements are also illustrated in the screenshots provided above.

35. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

36. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

37. 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 Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant 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 Defendant's 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: July 15, 2019

Respectfully submitted,

/s/ Jay Johnson

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system July 15, 2019.

/s/ Jay Johnson
Jay Johnson

EXHIBIT A