

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SCANNING TECHNOLOGIES  
INNOVATIONS LLC,

Plaintiff,

vs.

APPETIZE TECHNOLOGIES, INC.

Defendant.

---

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No:

PATENT CASE

**ORIGINAL COMPLAINT**

Pursuant to F.R.C.P. 15(a)(1)(B), Plaintiff Scanning Technologies Innovations, LLC (“Plaintiff” or “STI”) files this Original Complaint against Appetize Technologies, Inc. (“Defendant” or “Appetize”) for infringement of United States Patent No. 10,600,101 (hereinafter “the ‘101 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 having an address of 1801 NE 123 St., Suite 314, Miami, FL 33181.

4. On information and belief, Defendant is a Delaware corporation having a place of business at 1175 Peachtree St NE, 10th Floor, Atlanta, GA 30361. On information and

belief, Defendant may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

5. On information and belief, 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.

6. On 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. Venue is proper in this District 28 U.S.C. §1400(b) because Defendant is deemed to reside in this district.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 10,600,101)**

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 '101 Patent with sole rights to enforce the '101 Patent and sue infringers.

11. A copy of the '101 Patent, titled "Systems and Methods for Indicating the Existence of Accessible Information Pertaining to Articles of Commerce," is attached hereto as Exhibit A.

12. The '101 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe

one or more claims, including at least Claim 1, of the ‘101 Patent by making, using, importing, selling, and/or offering for sale a point of sale system and app covered by one or more claims of the ‘101 Patent. Defendant has infringed and continues to infringe the ‘101 Patent directly in violation of 35 U.S.C. § 271.

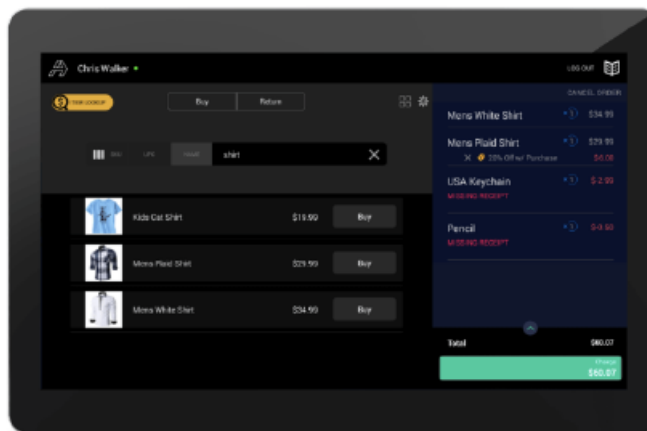
14. Defendant sells, offers to sell, and/or uses an online ordering system including, without limitation, the Appetize POS point-of-sale system, app, and any similar products (collectively, “Product”), which infringe at least Claim 1 of the ‘101 Patent.

15. The Product practices a system (e.g., Appetize POS) for indicating an existence of a link (e.g., indication of existence of a link for an item) to information pertaining to an article of commerce (e.g., products sold through POS). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



## Intuitive retail workflows

Move guests quickly through checkout lines with the ability to scan barcoded items, browse images or search by name or SKU. Simplified discounts and promotions engine enables discounts at the item and cart level with pre-built promo templates. Track inventory levels in real-time with front of house countdowns that ensure staff know how many items are available to sell.



Source: [https://youtu.be/0g6ejOU5d\\_w](https://youtu.be/0g6ejOU5d_w)

Source: <https://appetize.com/products/solutions/retail/>

16. The Product comprises a mobile device comprising a portable handheld housing (e.g., ios or android device, etc. with a barcode scanner in an Appetize POS system) and a communication interface (e.g., ios or android operating system) configured to enable the mobile device to communicate with a communication network (configure to enable the mobile device to communicate with internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Appetize offers an assortment of peripheral support hardware components, such as printers, customer-facing displays, and barcode scanners. The provider offers an array of purchasing options as well. For instance, it allows you to purchase the equipment upfront or choose one of its leading plans.

## Intuitive cloud point of sale accelerates operations

Easy-to-use cloud point of sale software designed to increase order taker efficiency and productivity.

- > [POS Terminals](#)
- > [Handheld Devices](#)

Native to both iOS and Android devices, handheld POS run on the same intuitive, image-driven platform as the rest of your business. Robust peripheral support with barcode scanners, cases, and Bluetooth printers mean your staff has everything they need at their fingertips. With order-only or full payment options, you can more quickly checkout guests from anywhere.

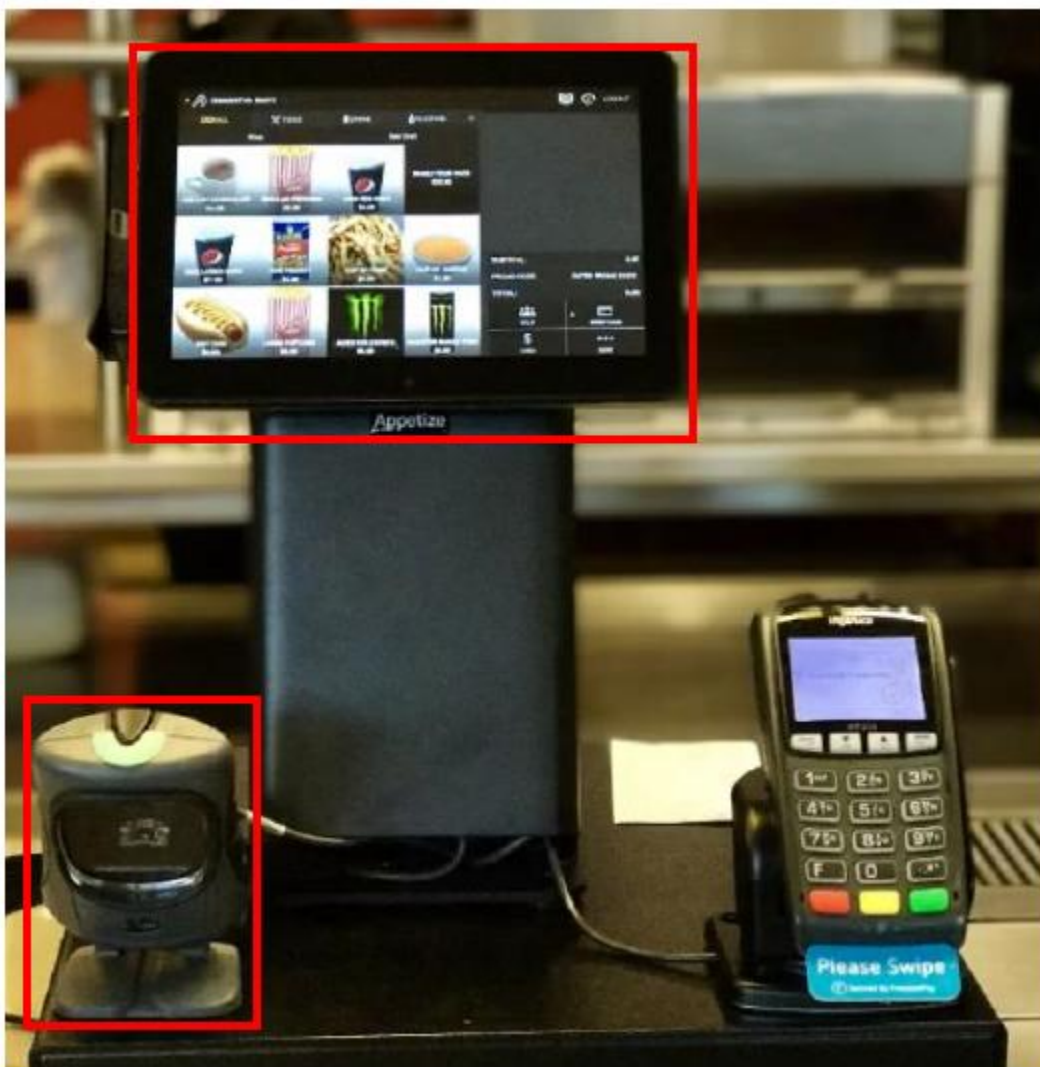
Source: [https://youtu.be/0g6ejOU5d\\_w](https://youtu.be/0g6ejOU5d_w)

Source: <https://posquote.com/review/appetize-pos/>

Source: <https://appetize.com/products/hardware/handhelds/>

17. The Product uses a signal processing device (e.g., ios or android mobile device is comprising a processor module for signal processing) and a visual input device, the visual

input device affixed within the portable handheld housing (a barcode scanner is affixed within the portable handheld housing of Appetize POS System). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



## Barcode Scanner

A device which reads the barcode of a specific product with a laser and transfers the information to a receiving system. These can be hand-held, counter-embedded, or even placed upon kiosks.

Native to both iOS and Android devices, handheld POS run on the same intuitive, image-driven platform as the rest of your business. Robust peripheral support with barcode scanners, cases, and Bluetooth printers mean your staff has everything they need at their fingertips. With order-only or full payment options, you can more quickly checkout guests from anywhere.

Source: [https://youtu.be/0g6ejOU5d\\_w](https://youtu.be/0g6ejOU5d_w)

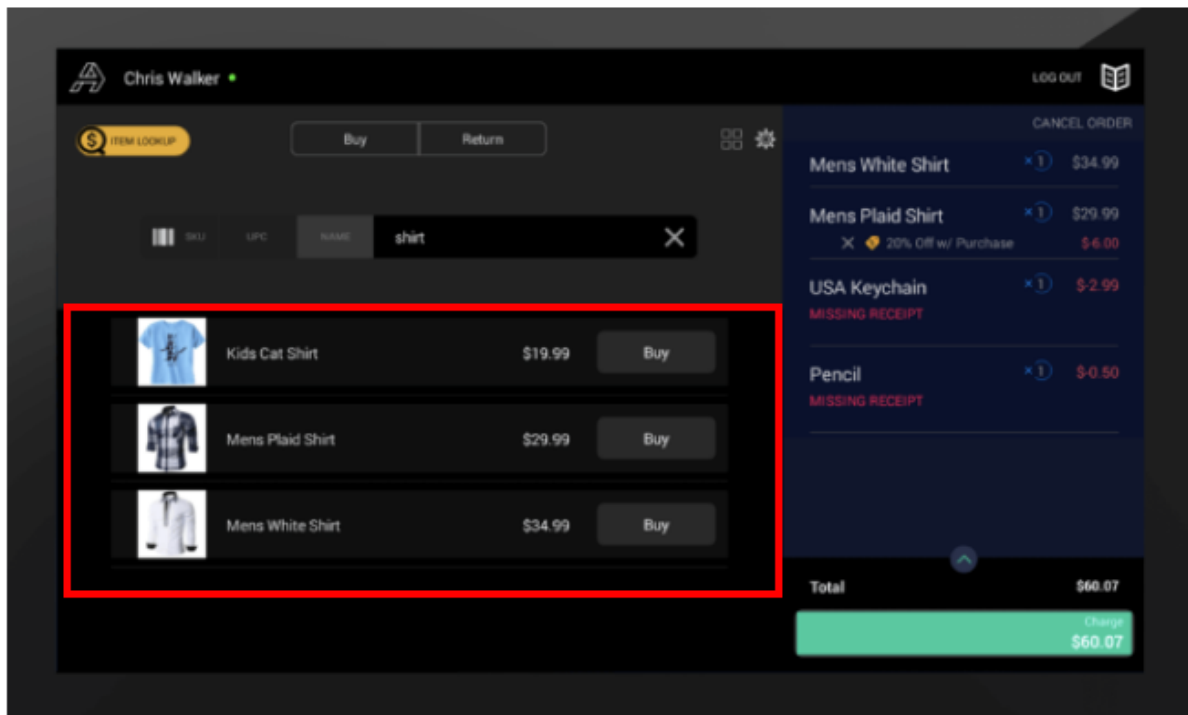
Source: <https://posquote.com/review/appetize-pos/>

Source: <https://appetize.com/products/hardware/handhelds/>

Source: <https://appetize.com/point-of-sale-terminology-cheat-sheet/>

18. The Product comprises digital files (e.g., customized digital images, logos, etc.) supported by Appetize POS and associated with the mobile device. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.





Source: <https://appetize.com/products/solutions/retail/>

19. The Product also includes a server in communication with the communication network, the server comprising a server database configured to store a look-up table that includes at least a plurality of bar codes associated with a plurality of articles of commerce (e.g., a cloud point of sale system communicates with the Internet and stores a plurality of barcodes associated with various items). The look-up table also stores a plurality of information link indicators, each information link indicator associated with a respective bar code and article of commerce (e.g., an items table stores the information related to the respective items including item name, category, SKU Number, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



## Intuitive cloud point of sale accelerates operations

Easy-to-use cloud point of sale software designed to increase order taker efficiency and productivity.

- > [POS Terminals](#)
- > [Handheld Devices](#)

## Appetize POS System Benefits

- Versatile and highly beneficial software functionality
- Industry-specific capabilities
- Supports barcode scanning and unlimited inventory SKUs

## SKU

Stock-Keeping Unit, A number or code assigned to a product to identify the price and other various characteristics to distinguish . Allows for quicker transactions.

- **SKU Number:** Stock-Keeping Number that can be interpreted as a bar code by Activate for easy inventory scanning. (SKU numbers are unique and cannot be the same as any other items. Users will also have to have the 'Edit SKU Number' permission enabled in their [Connect Role](#) to edit this option.)

























Name	Product	SKU Number
Burger 	Burger	Not set <small>You are not allowed to edit SKU number.</small>

Inventory > Settings > 404

Details Vendor Role Par Levels

### Par Level Information

Search  Category

SKU ↑	Name	Category	Track Qty	Low	Medium	High
	z- Hot Dog		Yes 	0 	0 	0 
	z- Water, 20oz Dasani		Yes 	0 	0 	0 
	@MEAT, BEEF FRANK 6:1	Food	Yes 	10 	20 	30 
	@PRETZEL, 7OZ BAWARIAN		Yes 	10 	20 	30 
	@SODA, BOTTLE 20OZ, COKE	NA Beverage	Yes 	10 	20 	30 
	@WATER, BOTTLE 20OZ DASANI	NA Beverage	Yes 	10 	20 	30 

Source: <https://appetize.com/>

Source: <https://appetize.com/point-of-sale-terminology-cheat-sheet/>

Source: <https://support.appetize.com/hc/en-us/articles/226717348-Maintaining-Inventory-Items>

Source: <https://support.appetize.com/hc/en-us/articles/115011708508-Par-Levels-in-Inventory->

Source: <https://posquote.com/review/appetize-pos/>

20. Each information link indicator is configured as a status signal indicating the existence or absence of a link to information pertaining to a respective article of commerce, (e.g., an item indicates a link to information related to its existence or tracks quantity in stock, category, SKU Number, name, etc.). The link is made to the information via the communication network (e.g., POS system communicates with the Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Inventory > Settings > 404

Details Vendor Role **Par Levels**

Par Level Information

Search  Category

SKU ↑	Name	Category	Track Qty	Low	Medium	High
	z- Hot Dog		Yes	0	0	0
	z- Water, 20oz Dasani		Yes	0	0	0
	@MEAT, BEEF FRANK 6.1	Food	Yes	10	20	30
	@PRETZEL, 7OZ BAVARIAN		Yes	10	20	30
	@SODA, BOTTLE 20OZ, COKE	NA Beverage	Yes	10	20	30
	@WATER, BOTTLE 20OZ DASANI	NA Beverage	Yes	10	20	30

## Intuitive cloud point of sale accelerates operations

Easy-to-use cloud point of sale software designed to increase order taker efficiency and productivity.

- > [POS Terminals](#)
- > [Handheld Devices](#)

Source: <https://appetize.com/>

Source: <https://support.appetize.com/hc/en-us/articles/115011708508-Par-Levels-in-Inventory->

21. The visual input device is configured to scan an image of an article of commerce (e.g., a barcode scanner is configured to scan the barcode), decode the image to obtain a bar code and forward data from the scanned image to the signal processing device (e.g., barcode scanner decodes the barcode associated with an item and related data will be displayed on mobile device's screen). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



### *Appetize POS System Benefits*

- Versatile and highly beneficial software functionality
- Industry-specific capabilities
- Supports barcode scanning and unlimited inventory SKUs
- Features flexible table, menu, and coursing management tools
- Intuitive kitchen and back of house management
- Scalable to accommodate large and high-volume business.
- Offers several industry-specific POS software modes
- Capable of forecasting common orders and amounts of change
- Features heat maps, displaying how well items sell in different locations.

## Barcode Scanner

A device which reads the barcode of a specific product with a laser and transfers the information to a receiving system. These can be hand-held, counter-embedded, or even placed upon kiosks.

Source: <https://posquote.com/review/appetize-pos/>

Source: <https://appetize.com/point-of-sale-terminology-cheat-sheet/>

22. In response to receiving the bar code, the signal processing device is configured to look up the bar code in the look-up table (e.g., after scanning a barcode associated with an item, mobile device lookup the SKU Number related to the item in plurality of items table.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Native to both iOS and Android devices,  
handheld POS run on the same intuitive,  
image-driven platform as the rest of your  
business. Robust peripheral support with  
barcode scanners, cases, and Bluetooth  
printers mean your staff has everything  
they need at their fingertips. With order-  
only or full payment options, you can  
more quickly checkout guests from  
anywhere.

## Barcode Scanner

A device which reads the barcode of a specific product with a laser and transfers the information to a receiving system. These can be hand-held, counter-embedded, or even placed upon kiosks.

## Intuitive retail workflows

Move guests quickly through checkout lines with the ability to scan barcoded items, browse images or search by name or SKU. Simplified discounts and promotions engine enables discounts at the item and cart level with pre-built promo templates. Track inventory levels in real-time with front of house countdowns that ensure staff know how many items are available to sell.

- **SKU Number:** Stock-Keeping Number that can be interpreted as a bar code by Activate for easy inventory scanning. (SKU numbers are unique and cannot be the same as any other items. Users will also have to have the 'Edit SKU Number' permission enabled in their Connect Role to edit this option.)



Name	Product	SKU Number
Burger 	Burger	Not set <small>You are not allowed to edit SKU number</small>

Source: <https://appetize.com/products/hardware/handhelds/>

Source: <https://appetize.com/products/solutions/retail/>


Source: <https://appetize.com/point-of-sale-terminology-cheat-sheet/>

Source: <https://support.appetize.com/hc/en-us/articles/226717348-Maintaining-Inventory-Items>

























23. The Product determines from a respective information link indicator whether or not a link exists for accessing information pertaining to an article of commerce associated with the bar code (e.g., barcode associated item determines the availability of item with information including SKU number, category, quantity, name of item, etc.) via the communication network (e.g., a connection with the Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Inventory > Settings > 404

Details Vendor Role Par Levels

Par Level Information 

Search  Category

SKU ↑	Name	Category	Track Qty	Low	Medium	High
	z- Hot Dog		Yes 	0 	0 	0 
	z- Water, 20oz Dasani		Yes 	0 	0 	0 
	@MEAT, BEEF FRANK 6:1	Food	Yes 	10 	20 	30 
	@PRETZEL, 7OZ BAWARIAN		Yes 	10 	20 	30 
	@SODA, BOTTLE 20OZ, COKE	NA Beverage	Yes 	10 	20 	30 
	@WATER, BOTTLE 20OZ DASANI	NA Beverage	Yes 	10 	20 	30 

**Intuitive cloud point of sale accelerates operations**

Easy-to-use cloud point of sale software designed to increase order taker efficiency and productivity.

> [POS Terminals](#)

> [Handheld Devices](#)

- **SKU Number:** Stock-Keeping Number that can be interpreted as a bar code by Activate for easy inventory scanning. (SKU numbers are unique and cannot be the same as any other items. Users will also have to have the 'Edit SKU Number' permission enabled in their Connect Role to edit this option.)

Name	Product	SKU Number
Burger 	Burger	Not set <small>*You are not allowed to edit SKU number.</small>

Source: <https://support.appetize.com/hc/en-us/articles/115011708508-Par-Levels-in-Inventory-Source>

Source: <https://appetize.com/>

Source: <https://support.appetize.com/hc/en-us/articles/226717348-Maintaining-Inventory-Items>

24. Defendant’s actions complained of herein will continue unless Defendant is enjoined by this court.

25. 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.

26. 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. 10,600,101 (or, in the alternative, awarding Plaintiff a running royalty 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: May 18, 2020

Respectfully submitted,

*/s/ Jimmy Chong*

**JIMMY CHONG, ESQ. (#4839)**

**CHONG LAW FIRM P.A.**

2961 Centerville Rd.

Ste 350

Wilmington, DE 19808

(302) 999-9480

chong@chonglawfirm.com

OF COUNSEL

**JAY JOHNSON** (*Pro Hac Vice Application Pending*)

State Bar No. 24067322

**KIZZIA JOHNSON, PLLC**

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

**ATTORNEYS FOR PLAINTIFF**