

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

SCANNING TECHNOLOGIES  
INNOVATIONS LLC,

Plaintiff,

vs.

EPOSNOW, LLC,

Defendant.

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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 Eposnow, LLC (“Defendant” or “Eposnow”) for infringement of United States Patent No. 9,934,528 (hereinafter “the ‘528 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 Florida limited liability company having a principle place of business at Chase Plaza, South Tower, 189 South Orange Avenue,

Suite 2010, Orlando, FL 32801. On information and belief, Defendant may be served through its registered agent, Peter Freuler, at 231 N. John Young Pkwy., Kissimmee, FL 34741.

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. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,934,528)**

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 '528 Patent with sole rights to enforce the '528 Patent and sue infringers.

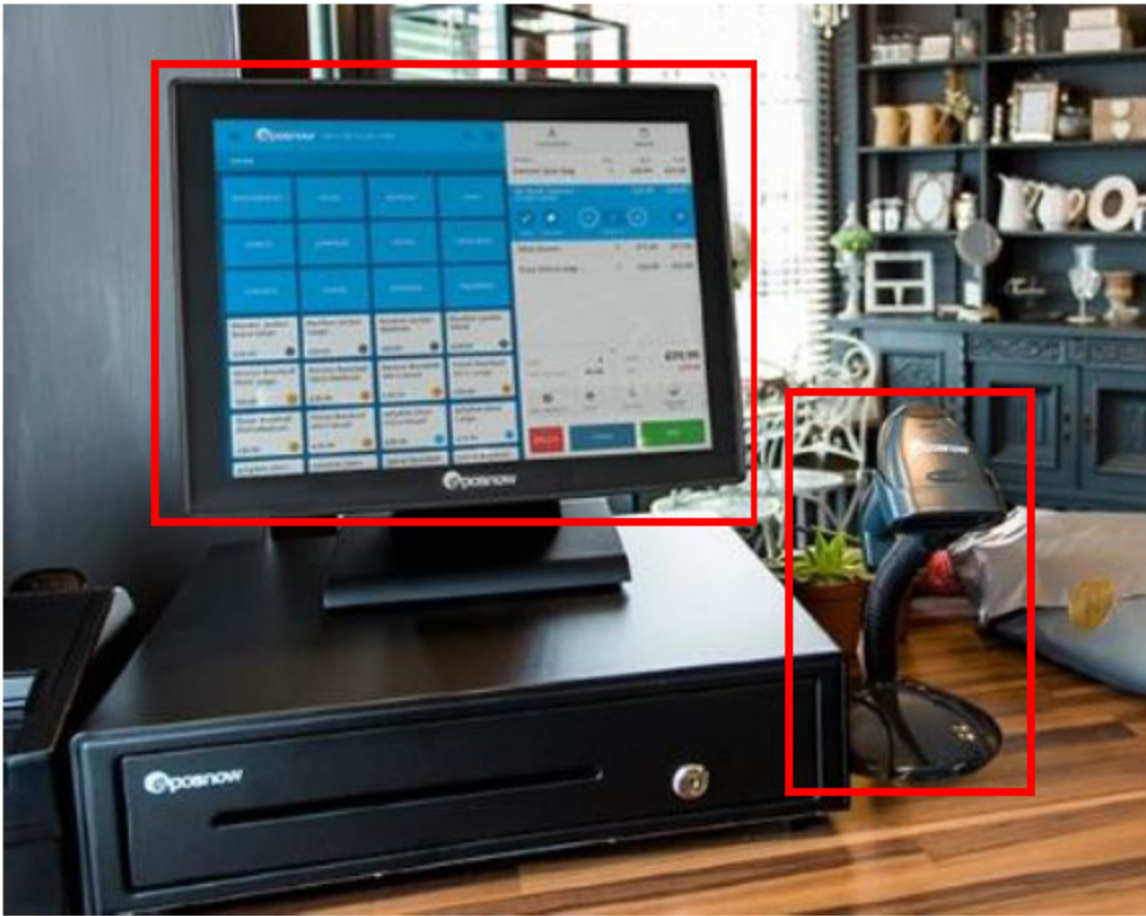
11. A copy of the '528 Patent, titled "Systems and Methods for Indicating the Existence of Accessible Information Pertaining to Articles of Commerce," is attached hereto as Exhibit A.

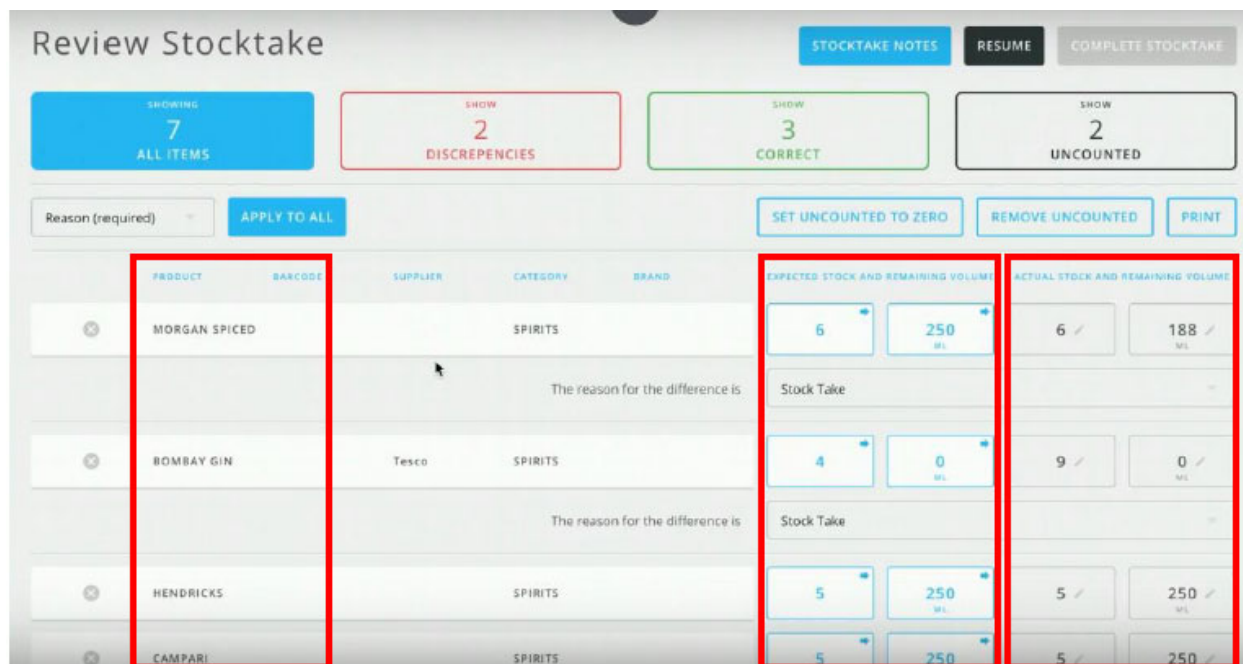
12. The '528 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '528 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 '528 Patent. Defendant has infringed and continues to infringe the '528 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 E-POS NOW point-of-sale system, app, and any similar products (collectively, "Product"), which infringe at least Claim 1 of the '528 Patent.

15. The Product practices a system (e.g., E-POS NOW) for indicating an existence of a link (e.g., indication of existence of a link obtained by selecting a checkbox of "Available in Point of Sale i.e. Stock Level") 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.





Source: <https://www.eposnow.com/us/retail-epos-solution>  
 Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

16. The Product comprises a mobile device (e.g., iPad, etc.) running E-POS NOW and a portable handheld housing (e.g., wireless barcode scanner) and a communication interface configured to enable the mobile device to communicate with a communication network (e.g., communication interface of the mobile device enabling communication over Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Wireless Barcode  
Scanner

£177.00

The Epos Now Wireless Barcode Scanner is a top of the range wireless barcode scanner. It is perfect for scanning items or products that are out of reach of the main EPOS system. This Epos Barcode Scanner is also perfect for registering irregular shaped products or managing stock throughout the whole business premises.

Source: <https://www.eposnow.com/us/software>

Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

17. The Product uses a signal processing device (e.g., processor of iPad mobile device) which enables the communication network access (i.e. Internet). The Product comprises the visual input device (i.e., bar code scanner). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.eposnow.com/media/HospitalityBrochure.pdf>

18. The Product includes a visual input device (i.e., barcode scanner) supported by E-POS NOW and affixed within the portable handheld housing. Certain aspects of this element are illustrated in the screenshots provided in connection with other allegations herein.

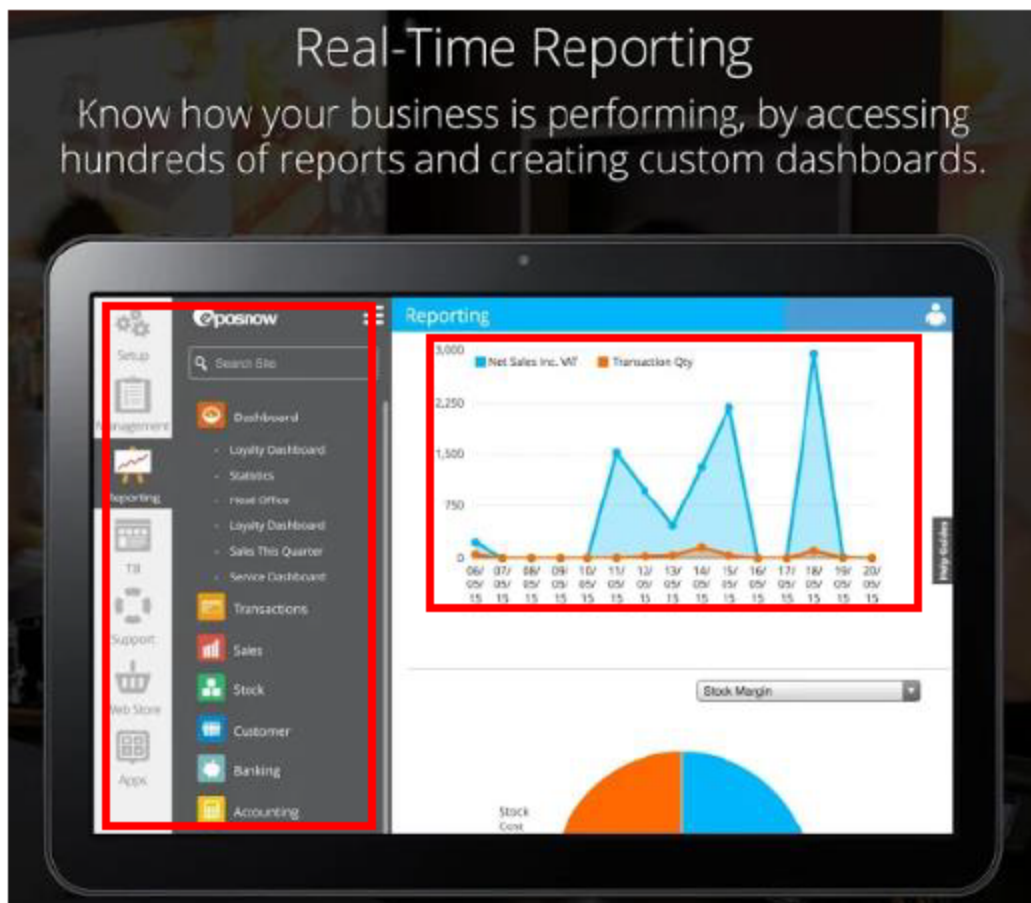


The Epos Now Wireless Barcode Scanner is a top of the range wireless barcode scanner. It is perfect for scanning items or products that are out of reach of the main EPoS system. This Epos Barcode Scanner is also perfect for registering irregular shaped products or managing stock throughout the whole business premises.

Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

19. The Product comprises digital files (e.g., sales, stock, logos, etc.) supported by E-POS NOW and associated with the mobile device (e.g., iPad). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.





Source: [https://play.google.com/store/apps/details?id=com.eposnow.till&hl=en\\_us](https://play.google.com/store/apps/details?id=com.eposnow.till&hl=en_us)

20. The Product also includes a server accessed by E-POS NOW in communication with the communication network (e.g., Internet). The server comprises a server database (e.g., cloud database that stores information corresponding to products) configured to store a look-up table (e.g., Stocktake database) which includes at least a plurality of symbologies (e.g., barcodes) associated with a plurality of articles of commerce (e.g., category, supplier, amount, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

**Review Stocktake**

STOCKTAKE NOTES RESUME COMPLETE STOCKTAKE

SHOW 7 ALL ITEMS SHOW 2 DISCREPANCIES SHOW 3 CORRECT SHOW 2 UNCOUNTED

Reason (required) APPLY TO ALL SET UNCOUNTED TO ZERO REMOVE UNCOUNTED PRINT

PRODUCT	BARCODE	SUPPLIER	CATEGORY	BRAND	EXPECTED STOCK AND REMAINING VOLUME	ACTUAL STOCK AND REMAINING VOLUME
MORGAN SPICED			SPIRITS		6 250 ML	6 188 ML
The reason for the difference is Stock Take						
BOMBAY GIN		Tesco	SPIRITS		4 0 ML	9 0 ML
The reason for the difference is Stock Take						
HENDRICKS			SPIRITS		5 250 ML	5 250 ML
CAMPARI			SPIRITS		5 250 ML	5 250 ML

## How to: stocktake

1. Open the menu bar, go to 'Stock' and then 'Stocktake'
2. Use the search bar, a product list, or the quickscan feature and your barcode scanner to find or add products
3. The 'expected stock' will show the amount you should have based on sales, and actual stock is entered in the 'actual stock' field

If you're working with liquids, rather than having to figure out how many ml are left you can tick 'show as decimal' and the system will figure out the amount for you

Source: <https://youtu.be/cVrq1saDRk4>

Source: <https://www.eposnow.com/us/resources/how-to-stocktake>

21. The look-up (e.g., the remote database accessed by E-POS NOW) also stores a plurality of information link indicators (e.g., product current stock, brand, barcode, etc.) 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.



Stock levels visualised

Name	Current Stock	Stock On Order	Cost Price (Exc. VAT)	Sale Price (Exc. VAT)	Total Cost (Exc. VAT)	Total Sale Value (Exc. VAT)	Total Margin	Margin %
After Five	97	13	\$1.20	\$2.49	\$116.40	\$241.69	\$125.29	51.84%
Cristal	-2	3	\$129.99	\$500.00	-\$259.98	-\$1,000.00	-\$740.02	74.00%
Fosters	37	45	\$0.49	\$3.33	\$18.13	\$123.03	\$104.90	85.26%
Jack Daniels	35	15	\$0.79	\$1.83	\$27.65	\$64.17	\$36.52	69.91%
Walkers Crisps	125	60	\$0.49	\$0.75	\$61.25	\$93.75	\$32.50	34.67%
<b>Total:</b>		136			-\$36.55	-\$477.36	-\$440.81	92.34%

Source: <https://youtu.be/cVrq1saDRk4>

Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

22. Each information link indicator configured in E-POS NOW (e.g., indication of

availability of a product in inventory or out of stock “Available in Point of Sale i.e. Stocktake”) is associated with a respective symbology (e.g., barcode number) and article of commerce (e.g., liquor). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

The screenshot displays a 'Review Stocktake' interface. At the top, there are buttons for 'STOCKTAKE NOTES', 'RESUME', and 'COMPLETE STOCKTAKE'. Below these are four summary boxes: 'SHOWING 7 ALL ITEMS', 'SHOW 2 DISCREPANCIES', 'SHOW 3 CORRECT', and 'SHOW 2 UNCOUNTED'. A 'Reason (required)' dropdown and an 'APPLY TO ALL' button are also present. The main table has columns for 'PRODUCT', 'BARCODE', 'SUPPLIER', 'CATEGORY', 'BRAND', 'EXPECTED STOCK AND REMAINING VOLUME', and 'ACTUAL STOCK AND REMAINING VOLUME'. Four rows are highlighted with red boxes: MORGAN SPICED, BOMBAY GIN, HENDRICKS, and CAMPARI. Each row shows a discrepancy between expected and actual stock. Below each row, a dropdown menu indicates 'The reason for the difference is Stock Take'.

PRODUCT	BARCODE	SUPPLIER	CATEGORY	BRAND	EXPECTED STOCK AND REMAINING VOLUME	ACTUAL STOCK AND REMAINING VOLUME
MORGAN SPICED			SPIRITS		6 / 250 ml	6 / 188 ml
BOMBAY GIN		Tesco	SPIRITS		4 / 0 ml	9 / 0 ml
HENDRICKS			SPIRITS		5 / 250 ml	5 / 250 ml
CAMPARI			SPIRITS		5 / 250 ml	5 / 250 ml

## Barcoding and Shelf-Edge Labels

### Print your own barcodes and shelf-edge labels

Our system gives any retailer the ability to print high quality barcodes, store promotions and shelf-edge labels easily. This ability to generate your own barcodes for your stock not only speeds up service time drastically, since staff spend less time searching for product details, but also ensures that your products are marked up in a professional manner with the price and SKU details clearly displayed for the customer.

Source: <https://youtu.be/cVrq1saDRk4>

23. Each information link indicator (e.g., “Available in Point of Sale i.e. Stock Level”) is configured as a status signal indicating the existence or absence of a link to information pertaining to a respective article of commerce and inventory can be tracked in terms of remaining or present quantity of products, the link being made to the information via the communication

network (e.g., link to information about the product in E-POS NOW is accessed using Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Works with any device

## Point of Sale

Responsive, fast and easy to learn. Works both online and offline. Never lose a sale, even if your internet goes down.



### Integrated payments

Accept credit & debit cards, with our extensive global merchant partners connect more by using our API.

15 mins



### World's easiest POS system

Staff can be fully operational in just 15 minutes

## How to: stocktake

1. Open the menu bar, go to 'Stock' and then 'Stocktake'
2. Use the search bar, a product list, or the quickscan feature and your barcode scanner to find or add products
3. The 'expected stock' will show the amount you should have based on sales, and actual stock is entered in the 'actual stock' field

If you're working with liquids, rather than having to figure out how many ml are left you can tick 'show as decimal' and the system will figure out the amount for you



## Stock levels visualised

Name	Current Stock	Stock On Order	Cost Price (Exc. VAT)	Sale Price (Exc. VAT)	Total Cost (Exc. VAT)	Total Sale Value (Exc. VAT)	Total Margin	Margin %
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Jack Daniels	35	15	\$0.79	\$1.83	\$27.65	\$64.17	\$36.52	69.91%
Walkers Crisps	125	60	\$0.49	\$0.75	\$61.25	\$93.75	\$32.50	34.67%
<b>Total:</b>		136			-\$36.55	-\$477.36	-\$440.81	92.34%

## Stock warnings

Product	Current Stock	Start Date Stock	Sold	Sent	Received	Stock Take	End Date Stock
Cristal	-2	-2	0	0	0	0	-2
Fosters	37	38	1	0	0	0	37
After Five	97	97	0	0	0	0	97
Jack Daniels	35	35	0	0	0	0	35
Walkers Crisps	125	126	1	0	0	0	125

Source: <https://www.eposnow.com/us/software>

Source: <https://www.eposnow.com/us/resources/how-to-stocktake>

Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

24. The Product has a processor unit in mobile device (e.g., processor in iPad device) and visual input device for scanning the barcode of a product (i.e. barcode scanner) where E-

POS NOW accesses the barcode scanner. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

**Review Stocktake**

STOCKTAKE NOTES RESUME COMPLETE STOCKTAKE

SHOWING 7 ALL ITEMS SHOW 2 DISCREPANCIES SHOW 3 CORRECT SHOW 2 UNCOUNTED

Reason (required) APPLY TO ALL SET UNCOUNTED TO ZERO REMOVE UNCOUNTED PRINT

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MORGAN SPICED			SPIRITS		6	250	6	188
The reason for the difference is					Stock Take			
BOMBAY GIN		Tesco	SPIRITS		4	0	9	0
The reason for the difference is					Stock Take			
HENDRICKS			SPIRITS		5	250	5	250
CAMPARI			SPIRITS		5	250	5	250

## Socket Mobile 7Ci Barcode Scanner



**£179.99**

Excellent ★★★★★ 5,279 reviews on ★ Trustpilot

Quantity

1

**Add to Basket**

Speed up transactions, accurately keep track of stock and cut down on human error with Socket Mobile 7Ci. Easily scan all standard 1D/linear and stacked barcodes with this portable barcode scanner that is small, lightweight, and comfortable to hold. This scanner works seamlessly with the Epos Now, iOS/Android Apps via Bluetooth from up to 10 meters away.

[Full specification download](#)

Source: <https://youtu.be/cVrq1saDRk4>

Source: <https://www.eposnow.com/us/socket-mobile-7ci-barcode-scanner>

Source: <https://www.eposnow.com/media/HospitalityBrochure.pdf>

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25. In E-POS NOW, a mobile device accessed by the POS determines the existence of a link related to the product and determines whether or not the link exists without accessing the communication network (e.g., cloud database in the mobile device which is running the E-POS NOW). As shown in the screenshots, products have unique barcodes which can be scanned via barcode scanner and an associated quantity is displayed and inventory can be controlled by a user (i.e., stocktake for availability or stock count of products). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.





# Point of Sale

Responsive, fast and easy to learn. Works both online and offline. Never lose a sale, even if your internet goes down.



## Integrated payments

Accept credit & debit cards, with our extensive global merchant partners connect more by using our API.

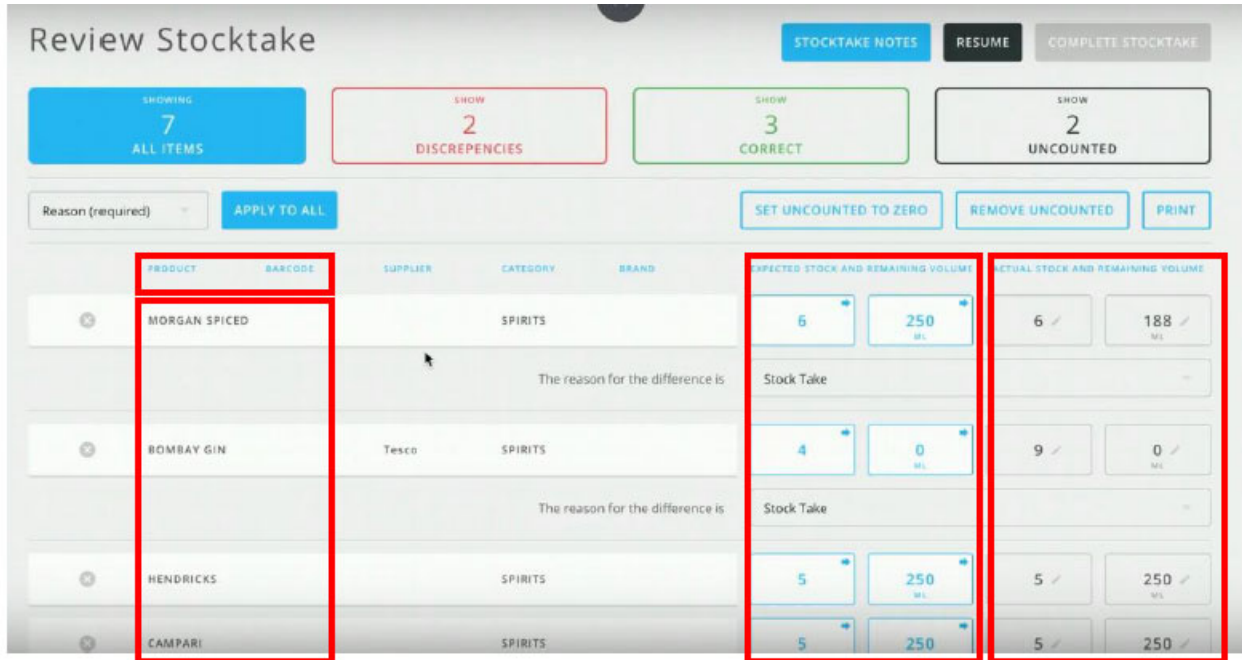


## World's easiest POS system

Staff can be fully operational in just 15 minutes

Works with any device





Source: <https://www.eposnow.com/us/software>

Source: <https://www.eposnow.com/media/HospitalityBrochure.pdf>

Source: <https://youtu.be/cVrq1saDRk4>

26. The signal processing device accessed by E-POS NOW determines whether or not the link exists without accessing the communication network (e.g., E-POS NOW works in offline mode without accessing the Internet, to determine whether or not the link exists using information link indicator (i.e., “in Stock Level”). The mobile device accessed by the E-POS NOW determines the existence of a link related to the product and determines whether or not the link exists without accessing the communication network (e.g., cloud database in the mobile device which is running the E-POS NOW). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

ePOS Working in Offline Mode

The ShopTill-e ePOS system works without an Internet connection.

ShopTill-e is a web / cloud system, this means you need an internet connection to have access to all of the systems functionality however, with ShopTill-e you are able to sell even if there is a connection issue of some kind. In the event of an issue where you cannot connect the ShopTill-e ePOS system can still be used in 'Offline Mode' mode.

When the ePOS system is working offline the first thing you will notice is that 'Online' status indicator will show as 'Working in offline mode' and the ePOS will automatically change to tree view which is the low graphics mode.

When in Offline mode you will still have access to your product catalogue within the ePOS so you will be able to search for products via the product search bar and you can continue to barcode scan as normal. You will be able to complete sales and you can still print receipts as normal.

However, you will not have the ability to add new customer accounts. This also means that there is no access to any group pricing or customer order history. In Offline mode, the usual ability to be able to scan gift vouchers and/or discount codes will not be accessible however you can still give discounts by manually entering either a percentage or a fixed sum.

Stock levels visualised

Name	Current Stock	Stock On Order	Cost Price (Exc. VAT)	Sale Price (Exc. VAT)	Total Cost (Exc. VAT)	Total Sale Value (Exc. VAT)	Total Margin	Margin %
After Five	97	13	\$1.20	\$2.49	\$116.40	\$241.69	\$125.29	51.84%
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### Integrated payments

Accept credit & debit cards, with our extensive global merchant partners connect more by using our API.

15 mins



### World's easiest POS system

Staff can be fully operational in just 15 minutes

Source: <https://www.shoptill-e.com/support/42>

Source: <https://www.eposnow.com/media/HospitalityBrochure.pdf>

Source: <https://www.eposnow.com/media/RetailBrochure.pdf>

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

28. 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.

29. 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. 9,934,528 (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: June 8, 2020

Respectfully submitted,

SCOTT WAGNER & ASSOCIATES, P.A.  
250 South Central Boulevard  
Suite 104-A  
Jupiter, FL 33458  
Telephone: (561) 653-0008  
Facsimile: (561) 653-0020

s/Cathleen Scott  
Cathleen Scott, Esq.  
Florida Bar No. 135331  
Primary e-mail: [CScott@scottwagnerlaw.com](mailto:CScott@scottwagnerlaw.com)  
Secondary e-mail: [mail@scottwagnerlaw.com](mailto:mail@scottwagnerlaw.com)  
[www.ScottWagnerLaw.com](http://www.ScottWagnerLaw.com)

**ATTORNEY FOR PLAINTIFF**