

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SCANNING TECHNOLOGIES
INNOVATIONS LLC,

Plaintiff,

vs.

BRIGHTPEARL, INC.

Defendant.

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Case No: 6:20-cv-0114-ADA

PATENT CASE

FIRST AMENDED COMPLAINT

Pursuant to F.R.C.P. 15(a)(1)(B), Plaintiff Scanning Technologies Innovations, LLC (“Plaintiff” or “STI”) files this First Amended Complaint against Brightpearl, Inc. (“Defendant” or “Brightpearl”) 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 Delaware corporation having a principle place of business at 211 E. 7th St., Suite 110, Austin, TX, 78701. 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. Alternatively, Defendant has already appeared in this action and has not challenged *in personam* jurisdiction or venue, which are now waived by operation of law.

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 Brightpearl POS point-of-sale system, Brightpearl 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., Brightpearl POS) for indicating an existence of a link (e.g., indication of existence of a link 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.

iPads

The Brightpearl POS app can be run in any iPad supporting iOS 11 or above as well as iPadOS:

iPad model	iPadOS	iOS 12	iOS 11
12.9-inch iPad Pro (3rd generation)	✓	✓	
12.9-inch iPad Pro (2nd generation)	✓	✓	✓
12.9-inch iPad Pro (1st generation)	✓	✓	✓

Barcode scanners

We support the [SocketScan S740 Universal Barcode Scanner](#). This is connected via bluetooth and can be purchased from [POS Hardware](#) or [The Barcode Warehouse](#). You'll need to configure the scanner into iOS application mode which can be done reading through the Hardware Settings on the iPad App.

You can also find the same instructions [here](#).

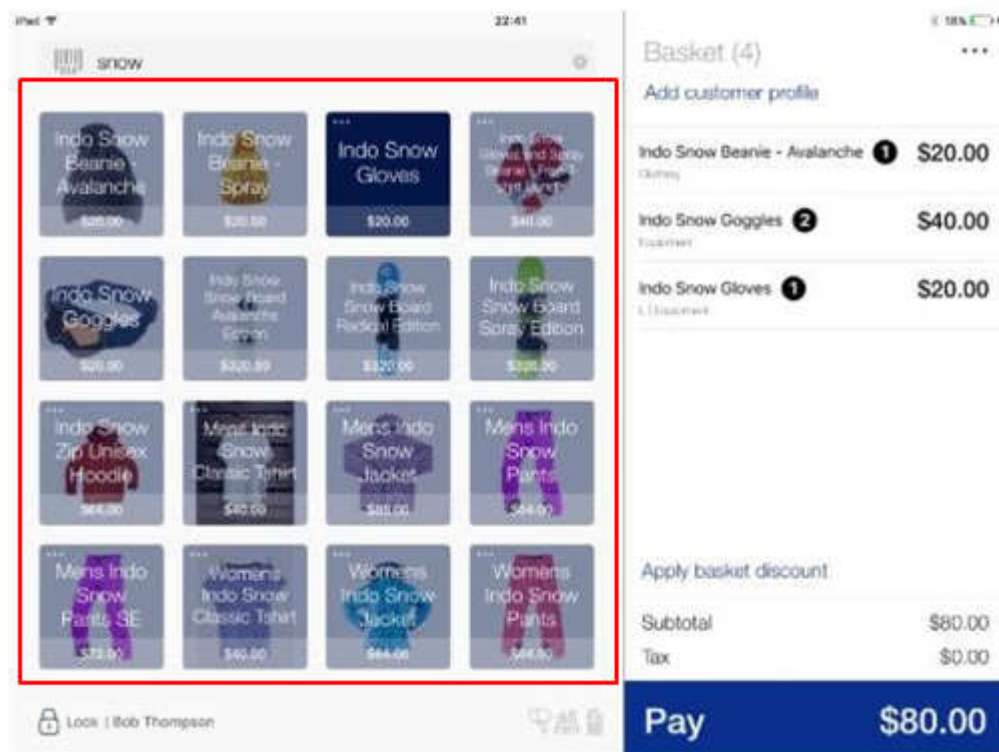


At a stationary workstation

For static applications like packing or some Goods In workflows carrying the scanner is not a limiting factor, and proximity to the workstation is unlikely to change drastically. A scanner with a cabled connection is a good choice for reliable connectivity and fast scanning speeds. Consider scanners with other features like cradle mounts and constant scan modes which optimize the scanner for hands-free, high throughput scanning. We've found the Datalogic Quickscan I Lite QW2100 ideal for this kind of application.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.



Source:

<https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS>

Source: <https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required>

Source: <https://help.brightpearl.com/hc/en-us/articles/360028542072-Hardware-considerations>

16. The accused product comprises a mobile device (e.g., combination of an iPad and barcode scanner). The mobile device includes a portable handheld housing (e.g., housing of the scanner). The mobile device includes a communication interface (e.g., interface of the operating system of the iPad) configured to enable the mobile device to communicate with a communication network (e.g., to access the Internet). Certain aspects of this element are

illustrated in the screenshots below and/or those provided in connection with other allegations herein.

At a stationary workstation

For static applications like packing or some Goods In workflows carrying the scanner is not a limiting factor, and proximity to the workstation is unlikely to change drastically. A scanner with a cabled connection is a good choice for reliable connectivity and fast scanning speeds. Consider scanners with other features like cradle mounts and constant scan modes which optimize the scanner for hands-free, high throughput scanning. We've found the Datalogic Quickscan I Lite QW2100 ideal for this kind of application.

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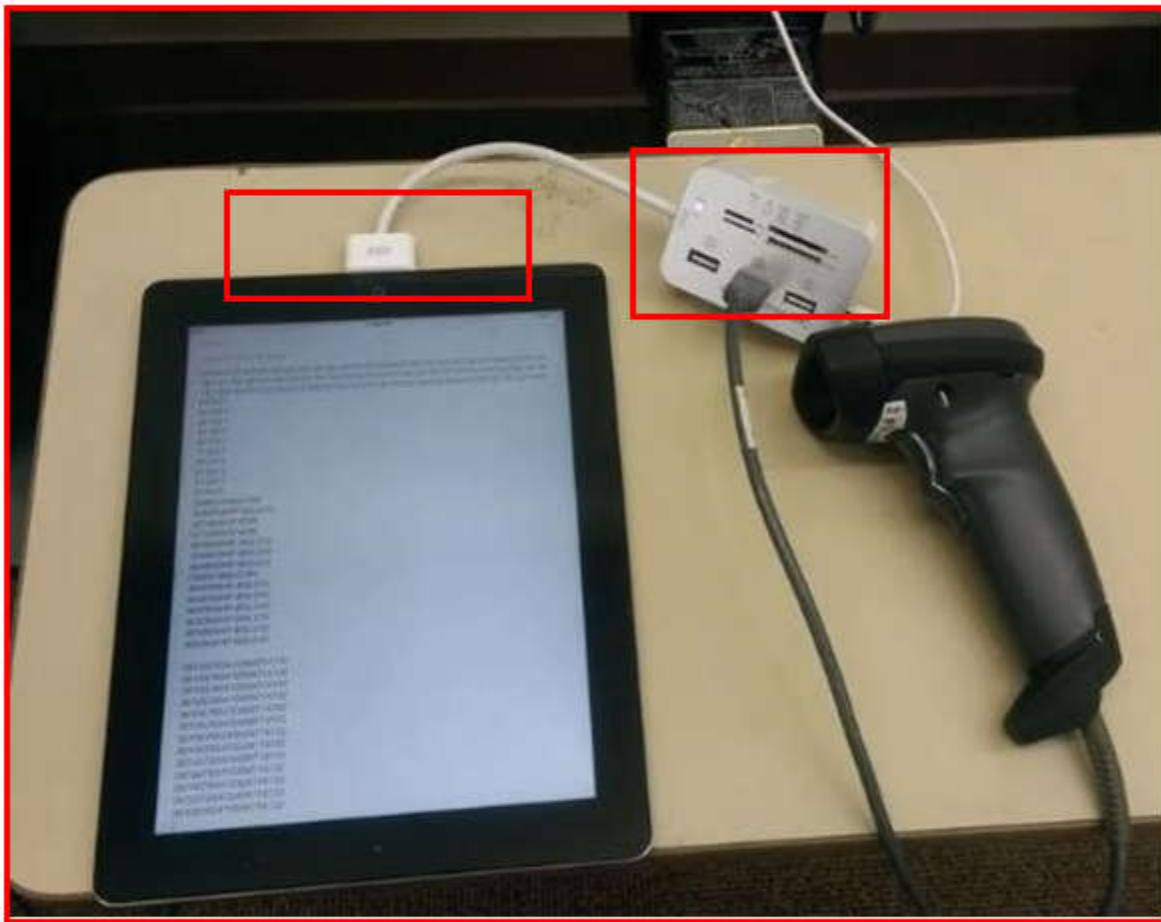
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iPads

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Source: <https://www.instructables.com/id/Use-a-USB-Barcode-Scanner-with-an-iPad/>

17. The mobile device (e.g., combination of iPad and barcode scanner) includes a signal processing device (e.g., a processor of the iPad). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

iPads

The Brightpearl POS app can be run in any iPad supporting iOS 11 or above as well as iPadOS:

iPad model	iPadOS	IOS 12	IOS 11
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12.9-inch iPad Pro (2nd generation)	✓	✓	✓
12.9-inch iPad Pro (1st generation)	✓	✓	✓

Source: <https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required>

18. The mobile device includes a visual input device (e.g., scanner mechanism of barcode scanner). The scanner mechanism is disposed within the housing of the barcode scanner. Certain aspects of this element are illustrated in the screenshots provided in connection with other allegations herein.



Barcode scanners

We support the [SocketScan S740 Universal Barcode Scanner](#). This is connected via bluetooth and can be purchased from [POS Hardware](#) or [The Barcode Warehouse](#). You'll need to configure the scanner into iOS application mode which can be done reading through the Hardware Settings on the iPad App.

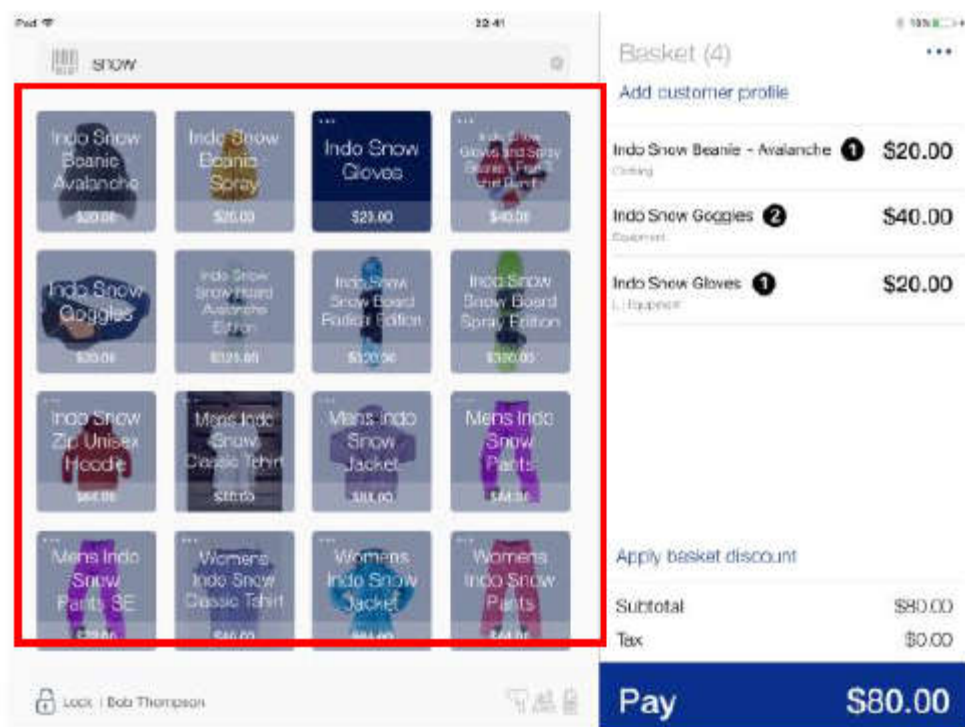
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Source: <https://help.brightpearl.com/hc/en-us/articles/360028542072-Hardware-considerations> Source: <https://www.instructables.com/id/Use-a-USB-Barcode-Scanner-with-an-iPad/>

19. The product provides digital files (e.g., customized digital images of customers supported by Brightpearl POS) associated with the mobile device (e.g., the iPad portion of the combination of iPad and barcode scanner). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS>

20. The product includes a server in communication with the communication network (e.g., online or Internet). The server comprising a server database configured to store a look-up table (e.g., to access the POS database with or without Internet connection) that includes at least a plurality of symbologies associated with a plurality of articles of commerce (e.g., POS database includes the description of the products including SKU, product name, in stock, category, brand etc). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Product inventory and additional information

After searching for a product you can view the inventory on hand across the associated products or the warehouses that you have set up for that store to be able to view the exact location details. You can access further information on the product such as description, price, SKU, barcode, category and brand. You can also view any images that you have associated with the product.

It sure does! You can take orders while you're on the move and sync them with Brightpearl when you're next online. To unlock the full features of Brightpearl POS, you need online access, but offline mode gives you the essential functionality that will tide you over until you next get connected.

POS has been designed to be easy to use and have intuitive functions where you would expect to find them.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

Indo Home Retail and Wholesale

Nicola Carbone App Store Settings Help Products Womans Indo Snow Trou...

Dashboard Marketing Channels Customers Helpdesk Sales Suppliers Purchases Accounting Products Projects Reports

Low Inventory - HK Manufacturing Export Show Filter Create purchase ord

Zero all order quantities 1 to 11 of 11

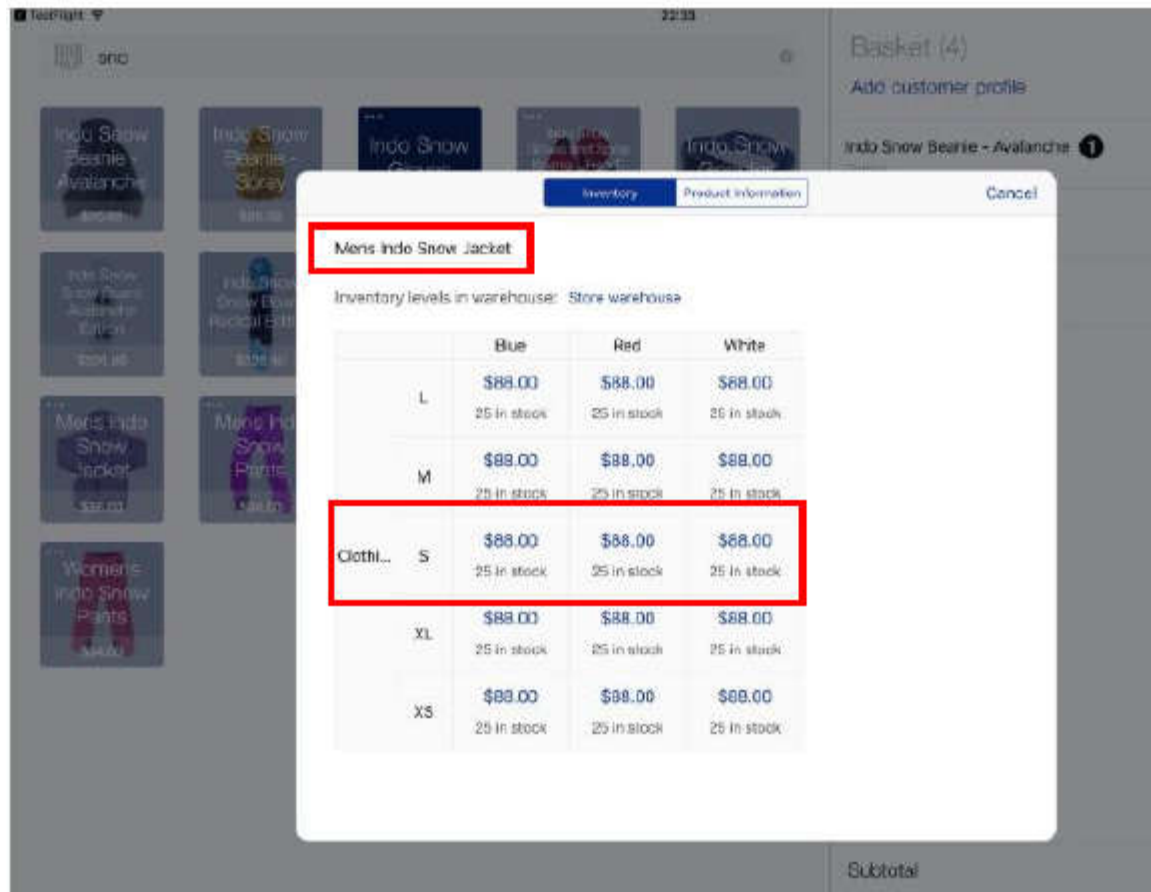
SKIT	Product Name	Options	In stock	Allocated	On hand	Open SO	Open SC	Overage	On PO	Minimum Stock Level	Reorder Qty	ActB
A000121	Mens Indo Snow Classic Tshirt	Blue, XL	12	12	0	1	0	1	100	5	100	0
A000174	Womens Indo Snow Trouasars	Red, XL	2	0	2	2	0	0	100	3	3	0
A000179	Womens Indo Snow Trouasars	White, XL	0	0	0	0	0	0	100	3	3	0
A000184	Womens Indo Snow Trouasars	Blue, XL	1	0	1	5	0	4	0	3	3	0
A000185	Womens Indo Snow Classic Tshirt	Red, XS	2	0	2	0	0	-2	0	5	10	10
A000186	Womens Indo Snow Classic Tshirt	Red, S	2	1	1	0	0	-1	0	5	20	20
A000188	Womens Indo Snow Classic Tshirt	Red, L	3	0	3	0	0	-3	0	5	15	15
A000184	Womens Indo Snow Classic Tshirt	White, XL	3	0	3	0	0	-3	0	5	5	5
A000197	Womens Indo Snow Classic Tshirt	Blue, M	1	0	1	0	0	-1	0	5	25	25
A000198	Womens Indo Snow Classic Tshirt	Blue, L	2	0	2	0	0	-2	0	5	15	15
A000199	Womens Indo Snow Classic Tshirt	Blue, XL	3	0	3	0	0	-3	0	5	5	5

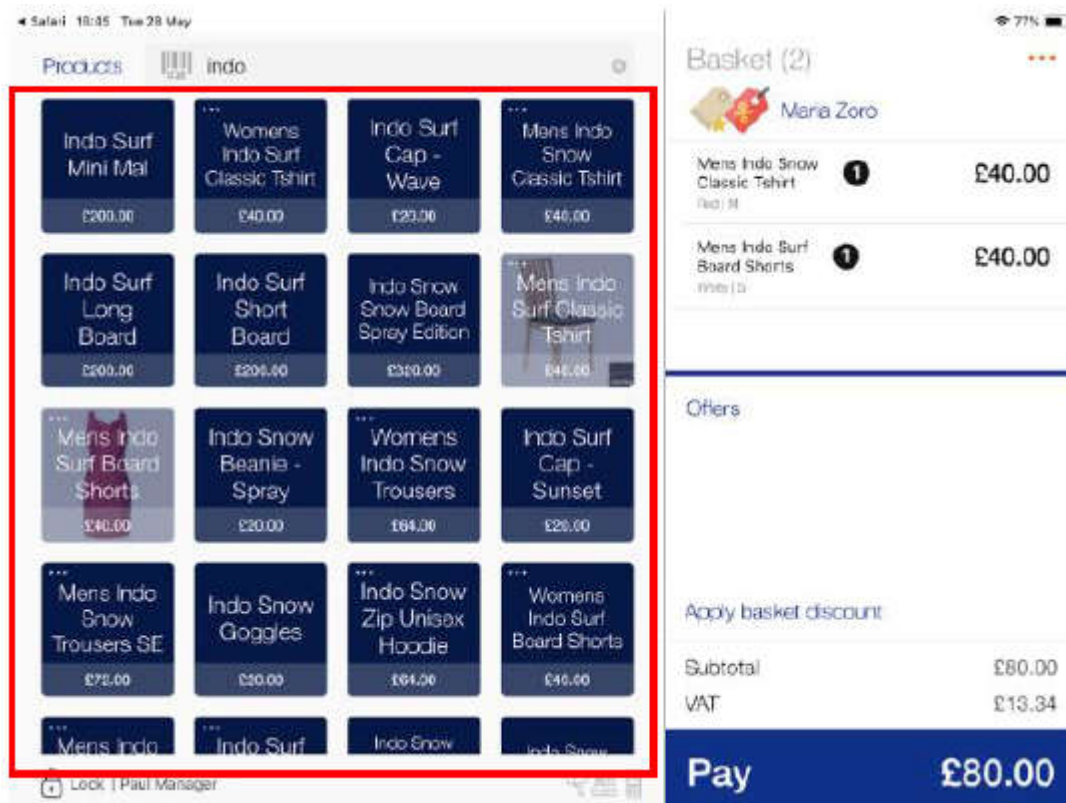
Source: <https://www.brightpearl.com/pos-software>

Source: <https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS>

Source: <https://www.brightpearl.com/inventory-management-software>

21. The look-up table (e.g., the remote database accessed by Bright Pearl POS) also storing a plurality of information link indicators (e.g., links to information about an article of commerce or article related information includes the product name, price, in stock quantity etc). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.





Indo Home Retail and Wholesale

Navigation: Dashboard, Marketing, Channels, Customers, Helpdesk, Sales, Suppliers, Purchases, Accounting, Products, Projects, Reports

Low Inventory - HK Manufacturing

Export Show filter Create purchase order

Zero all order quantities

SKU	Product Name	Options	In stock	Allocated	On hand	Open SO	Open SC	Overage	On PO	Minimum Stock Level	Reorder Qty	Act
A000121	Mens Indo Snow Classic Tshirt	Blue, XL	12	12	0	1	0	1	100	5	100	9
A000174	Womens Indo Snow Trousers	Red, XL	2	0	2	2	0	0	100	3	3	0
A000179	Womens Indo Snow Trousers	White, XL	0	0	0	0	0	0	100	3	3	0
A000184	Womens Indo Snow Trousers	Blue, XL	1	0	1	5	0	4	0	3	3	9
A000185	Womens Indo Snow Classic Tshirt	Red, XS	2	0	2	0	0	-2	0	5	10	10
A000186	Womens Indo Snow Classic Tshirt	Red, S	2	1	1	0	0	-1	0	5	20	20
A000188	Womens Indo Snow Classic Tshirt	Red, L	3	0	3	0	0	-3	0	5	15	15
A000194	Womens Indo Snow Classic Tshirt	White, XL	3	0	3	0	0	-3	0	5	5	5
A000197	Womens Indo Snow Classic Tshirt	Blue, M	1	0	1	0	0	-1	0	5	25	25
A000198	Womens Indo Snow Classic Tshirt	Blue, L	2	0	2	0	0	-2	0	5	15	15
A000199	Womens Indo Snow Classic Tshirt	Blue, XL	3	0	3	0	0	-3	0	5	5	5

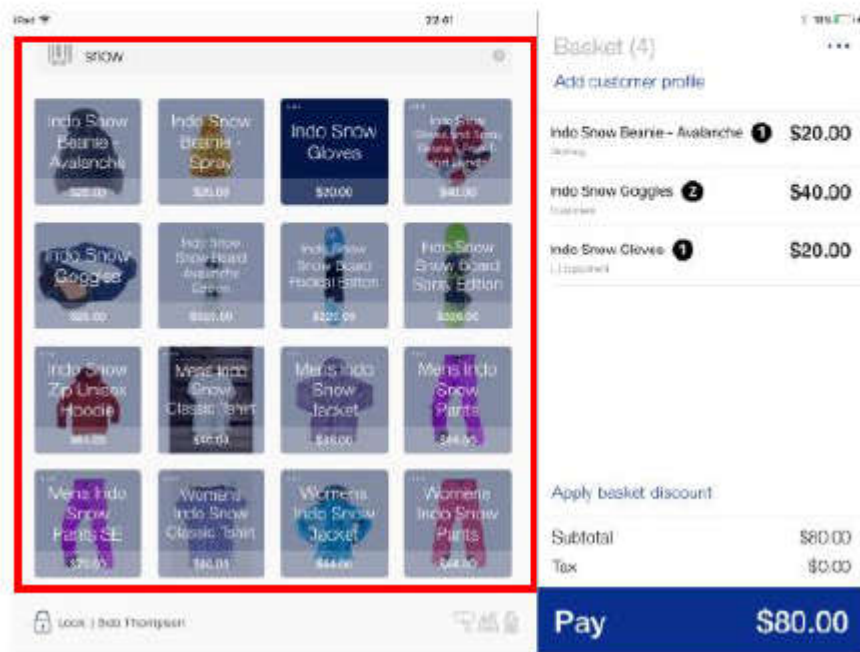
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22. Each information link indicator (e.g., indication of availability of a product in inventory - In Stock, Allocated, or On Hand; or, alternatively, indication of the availability of

other information about the product) is associated with a respective symbology (e.g., SKU) and an article of commerce (e.g., product and/or product name). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

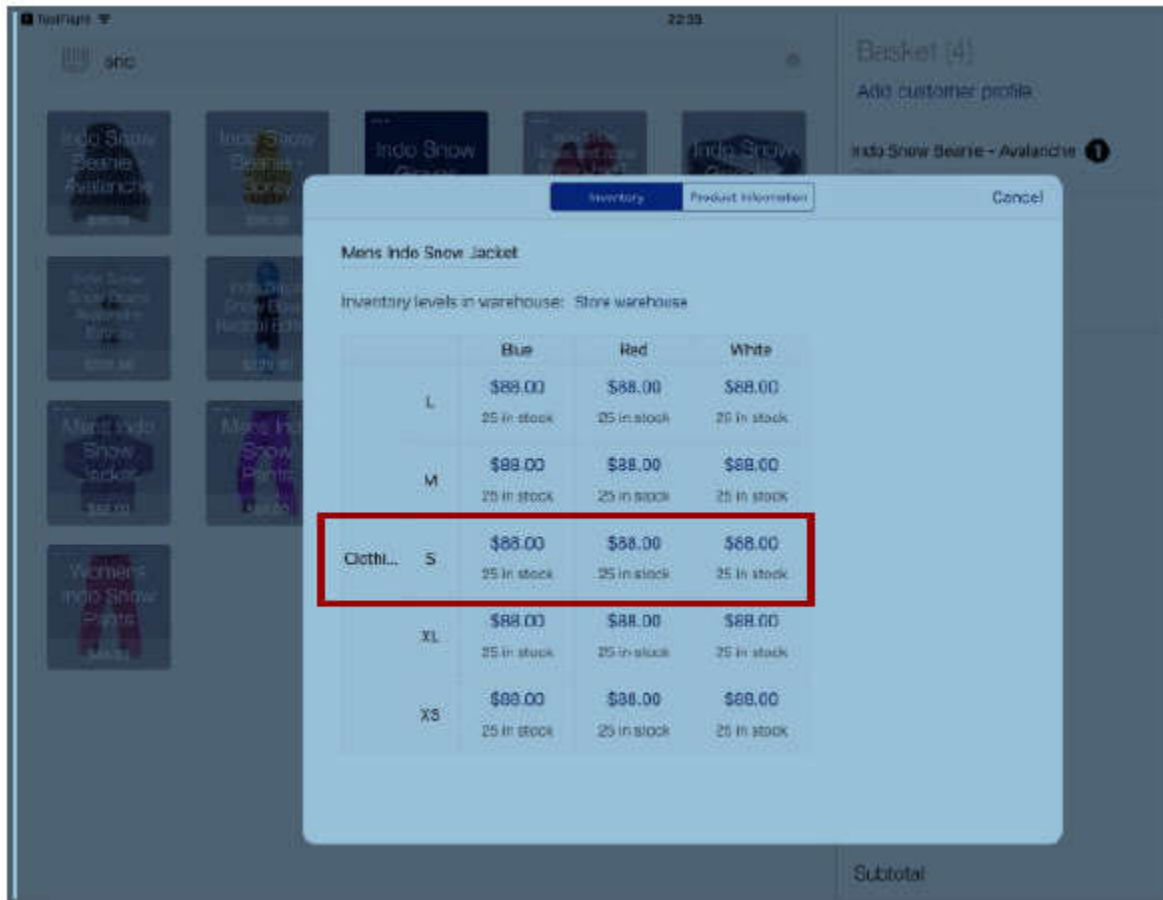
A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.



SKU	Product Name	Options	In stock	Allocated	On hand	Open SO	Open SC	Overage	On PO	Minimum Stock Level	Reorder Qty	Actions
A000121	Mens Indo Snow Classic Tshirt	Blue, XL	12	12	0	1	0	1	100	5	100	0
A000174	Womens Indo Snow Trousers	Red, XL	2	0	2	2	0	0	100	3	3	0
A000179	Womens Indo Snow Trousers	White, XL	0	0	0	0	0	0	100	3	3	0
A000184	Womens Indo Snow Trousers	Blue, XL	1	0	1	5	0	4	0	3	3	5
A000185	Womens Indo Snow Classic Tshirt	Red, XS	2	0	2	0	0	-2	0	5	15	15
A000186	Womens Indo Snow Classic Tshirt	Red, S	2	1	1	0	0	-1	0	5	25	25
A000188	Womens Indo Snow Classic Tshirt	Red, L	3	0	3	0	0	-3	0	5	15	15
A000194	Womens Indo Snow Classic Tshirt	White, XL	3	0	3	0	0	-3	0	5	5	5
A000197	Womens Indo Snow Classic Tshirt	Blue, M	1	0	1	0	0	-1	0	5	25	25
A000198	Womens Indo Snow Classic Tshirt	Blue, L	2	0	2	0	0	-2	0	5	15	15
A000199	Womens Indo Snow Classic Tshirt	Blue, XL	3	0	3	0	0	-3	0	5	5	5

Source: <https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS>
Source: <https://www.brightpearl.com/inventory-management-software>

23. 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., the existence of a link for a particular product indicates the existence of available information while the absence of a link indicates the absence of available information). The link being made to the information via the communication network (e.g., link to information about the product in POS is accessed using the Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



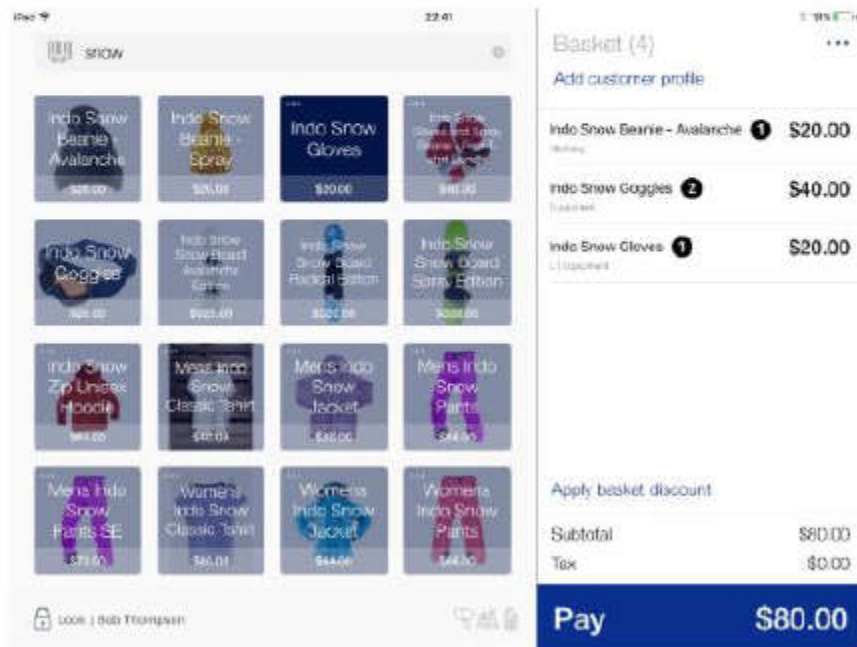
It sure does! You can take orders while you're on the move and sync them with Brightpearl when you're next online. To unlock the full features of Brightpearl POS, you need online access, but offline mode gives you the essential functionality that will tide you over until you next get connected.

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24. The barcode scanner decodes images to obtain symbology and forwards (via the iPad) data from the scanned image to the signal processing device (e.g. after scanning the barcode associated with an article of commerce or a product, the system decodes the barcode into numbers and send the data to the iPad portion of the mobile device). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.

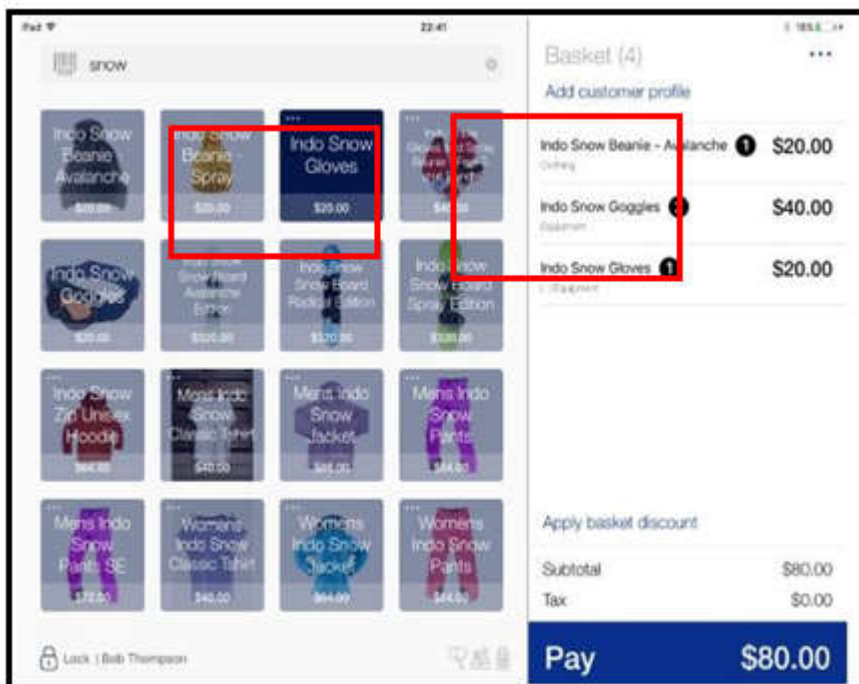
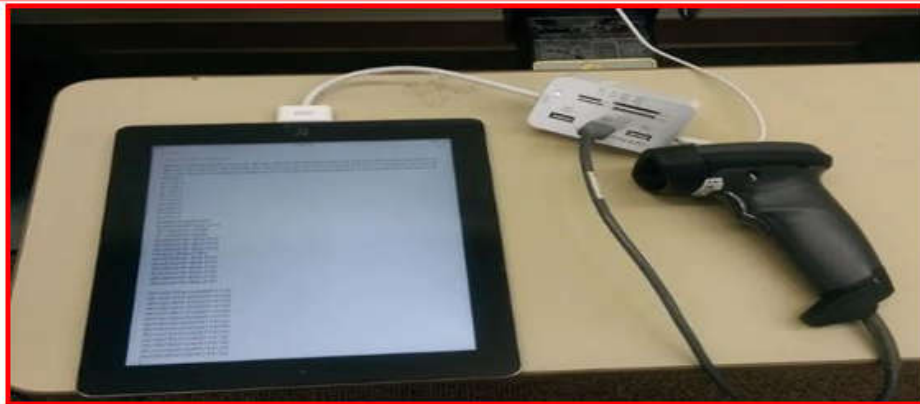


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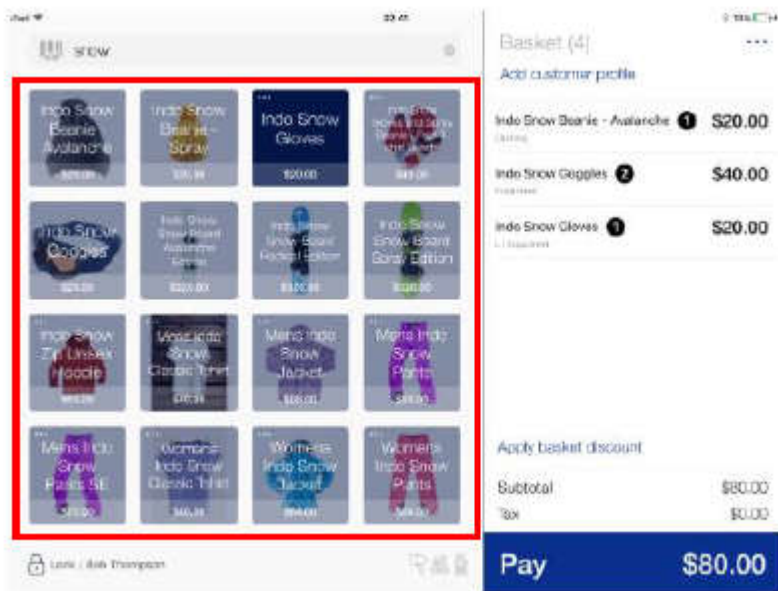
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25. In response to receiving the symbology (e.g., after getting decoded barcode data associated with a product from a barcode scanner), the signal processing device is configured to look up the symbology in the look-up table (e.g., an iPad mobile device gets the information related to the barcode associated with a product) to determine from a respective information link indicator whether or not a link exists for accessing information pertaining to an article of commerce associated with the symbology via the communication network (e.g., an iPad mobile device accesses the POS database to determine the information related to the barcode associated with a product which is available). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

It sure does! You can take orders while you're on the move and sync them with Brightpearl when you're next online. To unlock the full features of Brightpearl POS, you need online access, but offline mode gives you the essential functionality that will tide you over until you next get connected.

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A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.



Indo Home Retail and Wholesale													
Nicola Cardbine App Store Settings Help Products Women's Indo Snow Trou...													
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Source: <https://www.brightpearl.com/pos-software>

Source: <https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS> Source: <https://www.brightpearl.com/inventory-management-software>

26. The signal processing device determines whether or not the link exists without accessing the communication network (e.g., Brightpearl POS works in offline mode without accessing the internet, to determine whether or not the link exists using information link indicator). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Offline functionality

Your products and cashiers are held locally on the iPad so if your store connection goes down or you are at a retail show without a connection then you can continue to serve customers. If you are offline then your completed transactions will be queued up and sent back to the Brightpearl back office once you are back online.

Functions that you are able to do whilst offline:

- Log on with the users/password based on the last update that the iPad received from the Brightpearl back office
- Search and scan for all products and add them to the basket
- Check the primary product information (brand, category, description, barcode, id)
- Hold the current basket and retrieve a basket on hold
- Take payment using any non-integrated payment method such as cash
- Add a new customer profile to the transaction. The new customer will be created when you are back online and the completed transaction will be posted to the Brightpearl back office
- Open and close your register

Online & offline POS system

To ensure you have access to the latest information such as up-to-date inventory, you need to be online so the related functions can access the Brightpearl back office in real-time. But even when you're offline, your products and cashiers are held locally in your iPad POS system, so if your store connection goes down or you're at a retail show without a connection, you can still serve customers.

Source: <https://www.brightpearl.com/pos-software>

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 17, 2020

Respectfully submitted,

/s/ Jay Johnson

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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 on June 17, 2020.

/s/ Jay Johnson

JAY JOHNSON