

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

SCANNING TECHNOLOGIES
INNOVATIONS LLC,

Plaintiff,

vs.

LINGA POS, LLC,

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 Linga POS, LLC (“Defendant” or “Linga”) 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 6201 Lee Ann Lane, Naples, FL 34109. On information and belief, Defendant may be served through its registered agent, Benser Information

Technologies, Inc., at 6201 Lee Ann Lane, Naples, FL 34109.

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 Linga POS point-of-sale system, app, and any similar products (collectively, “Product”), which infringe at least Claim 1 of the ‘528 Patent.

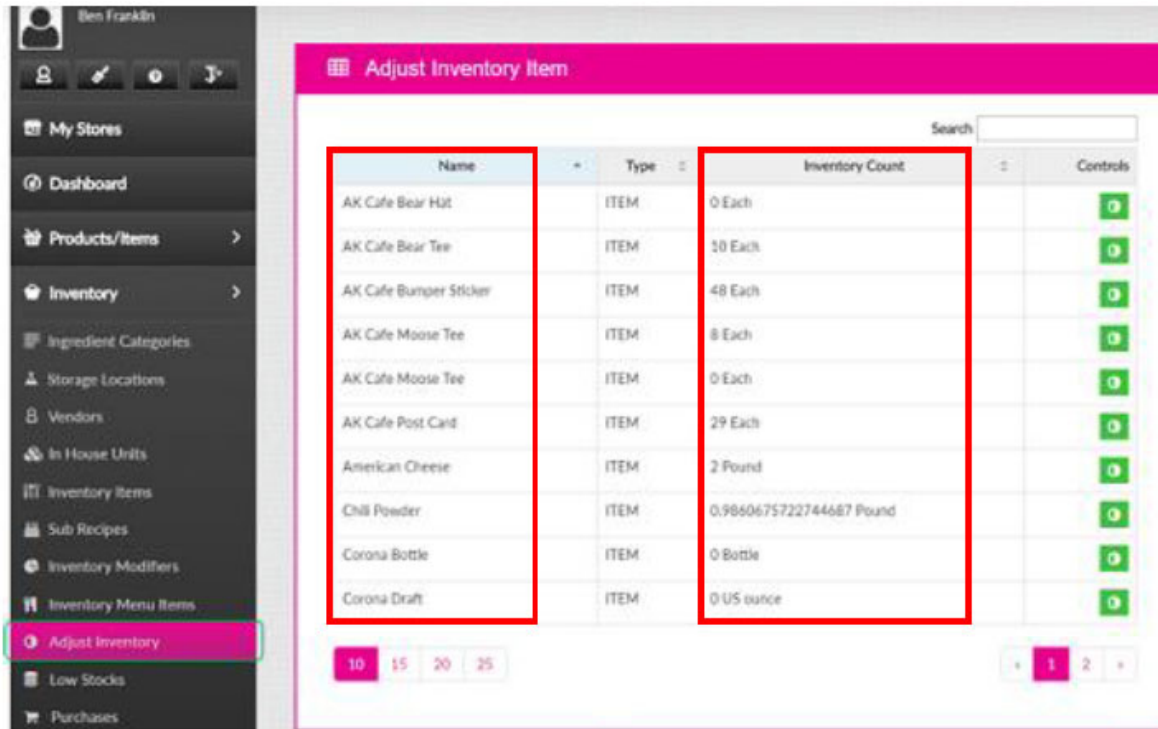
15. The Product practices a system (e.g., Linga POS) for indicating an existence of a link (e.g., indication of existence of a link obtained by selecting a checkbox of “Available in Point of Sale i.e. Inventory Count”) to information pertaining to an article of commerce (e.g., products sold through POS). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Barcode Scanning

If you are selling items with UPC codes, LINGA POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. LINGA's robust feature set will be able to run a restaurant with retail items as well as a full retail store.





- Source: <https://www.lingapos.com/pos-system/>
- Source: <https://shop.lingapos.com/products>
- Source: <https://www.lingapos.com/sign-linga-pos-basic/>
- Source: <https://support.lingapos.com/portal/kb/articles/how-to-adjust-inventory>

16. The Product comprises a mobile device (e.g., iPad, etc.) running Linga POS 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.

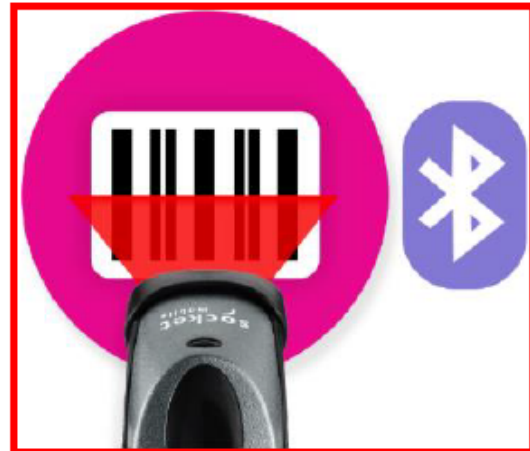


Choosing The Right iPad Pos System



Barcode Scanning

If you are selling items with UPC codes, Linga POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. Linga's robust feature set will be able to run a restaurant with retail items as well as a full retail store.



Source: <https://www.lingapos.com/pos-system/>
Source: <https://shop.lingapos.com/products>
Source: <https://www.lingapos.com/sign-linga-pos-basic/>

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.



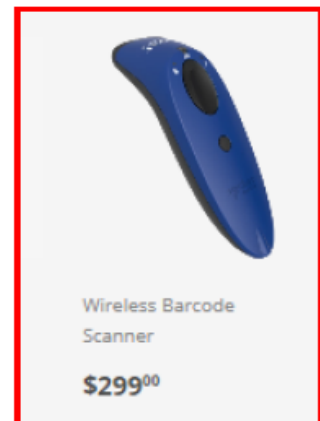
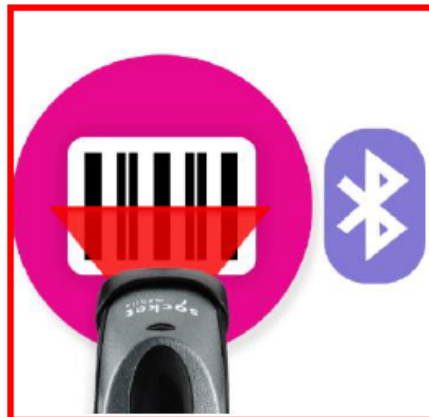
Choosing The Right iPad Pos System

Source: <https://www.lingapos.com/pos-system/>

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


Barcode Scanning

If you are selling items with UPC codes, Linga POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. Linga's robust feature set will be able to run a restaurant with retail items as well as a full retail store.



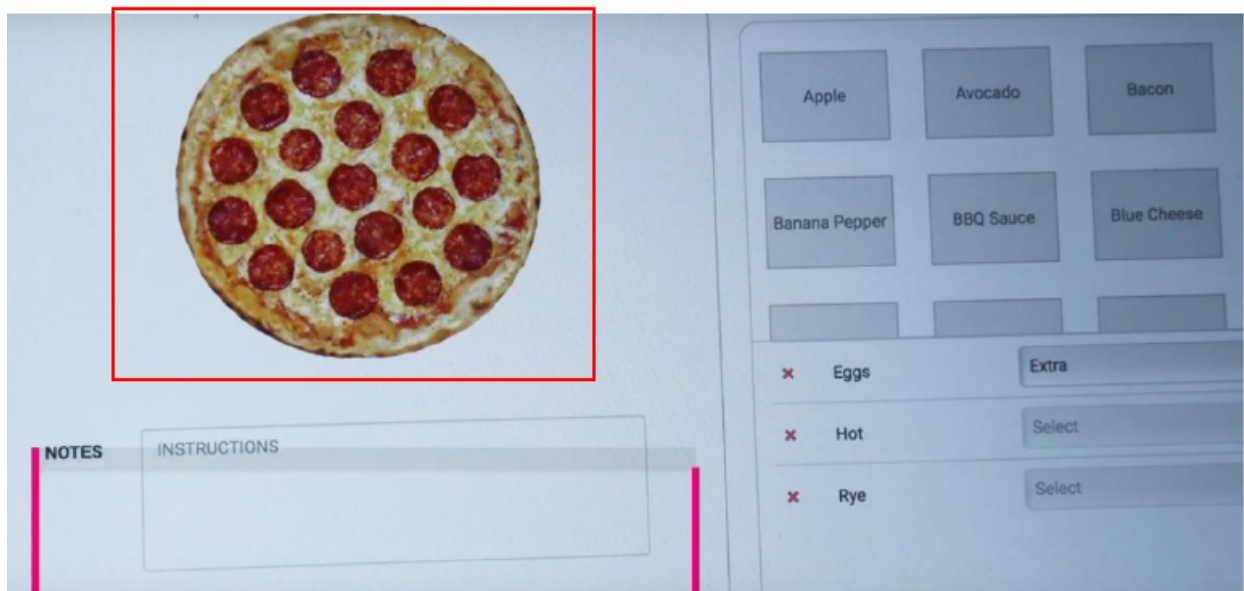
Source: <https://shop.lingapos.com/products>

Source: <https://www.lingapos.com/sign-linga-pos-basic/>

DESCRIPTION	 <p data-bbox="1104 556 1307 619">Wireless Barcode Scanner</p> <p data-bbox="1104 651 1209 693">\$299⁰⁰</p>
<p data-bbox="207 283 966 472"><u>The SocketScan S700 1D barcode scanner with Bluetooth wireless technology scans on paper or screen. It has a light-weight, ergonomic structure, and a long-lasting battery to withstand entire work days. The lights for battery, Bluetooth and scanning notifications make the scanner more intuitive to use. Compatible with all applications in previous Socket Mobile barcode scanners, without software changes.</u></p> <p data-bbox="207 504 795 535"><u>Certified by Apple® for iOS devices (iPad®, iPhone®, iTouch®).</u></p> <p data-bbox="207 556 300 577">Includes:</p> <ul data-bbox="207 598 649 714" style="list-style-type: none"><u>- SocketScan S700, 1D Imager Barcode Scanner</u>- Charging Cable- Wrist Strap	


Source: <https://shop.lingapos.com/products/wireless-barcode-scanner>
Source: <https://shop.lingapos.com/products>

19. The Product comprises digital files (e.g., customized digital images, logos, etc.) supported by Linga POS 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://youtu.be/QBA6izFoEv8>

20. The Product also includes a server accessed by Linga POS 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., inventory database) which includes at least a plurality of symbologies (e.g., barcodes) associated with a plurality of articles of commerce (e.g., price, category, name, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



View Real Time Inventory Usage


With Linga POS Inventory a user can check current inventory levels, check the most popular items, and add new inventory items on the spot.



The Industry's
First FREE
Cloud-based
iPad POS
System

Barcode Scanning

If you are selling items with UPC codes, Linga POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. Linga's robust feature set will be able to run a restaurant with retail items as well as a full retail store.



Multiple Vendors	-	✓	✓	✓
SKU / UPC Inventory Tracking	-	✓	✓	✓
Delivery	-	✓	✓	✓

Adjust Inventory Item

Name	Type	Inventory Count	Controls
AK Cafe Bear Hat	ITEM	0 Each	
AK Cafe Bear Tee	ITEM	10 Each	
AK Cafe Burger Sticker	ITEM	48 Each	
AK Cafe Moose Tee	ITEM	8 Each	
AK Cafe Moose Tee	ITEM	0 Each	
AK Cafe Post Card	ITEM	29 Each	
American Cheese	ITEM	2 Pound	
Chili Powder	ITEM	0.9840675722744687 Pound	
Corona Bottle	ITEM	0 Bottle	
Corona Draft	ITEM	0 US ounce	

Page 1 of 2

Inventory Item

Name: American Cheese

Category: Food

Primary Storage: Fridge

Inventory Unit: Pound

Par Level: 5

Receiving Quantity: 10

Price: 20

Yield %: 100

Vendor: Sysco

Purchase Unit: Pound

Price Per Unit: 2

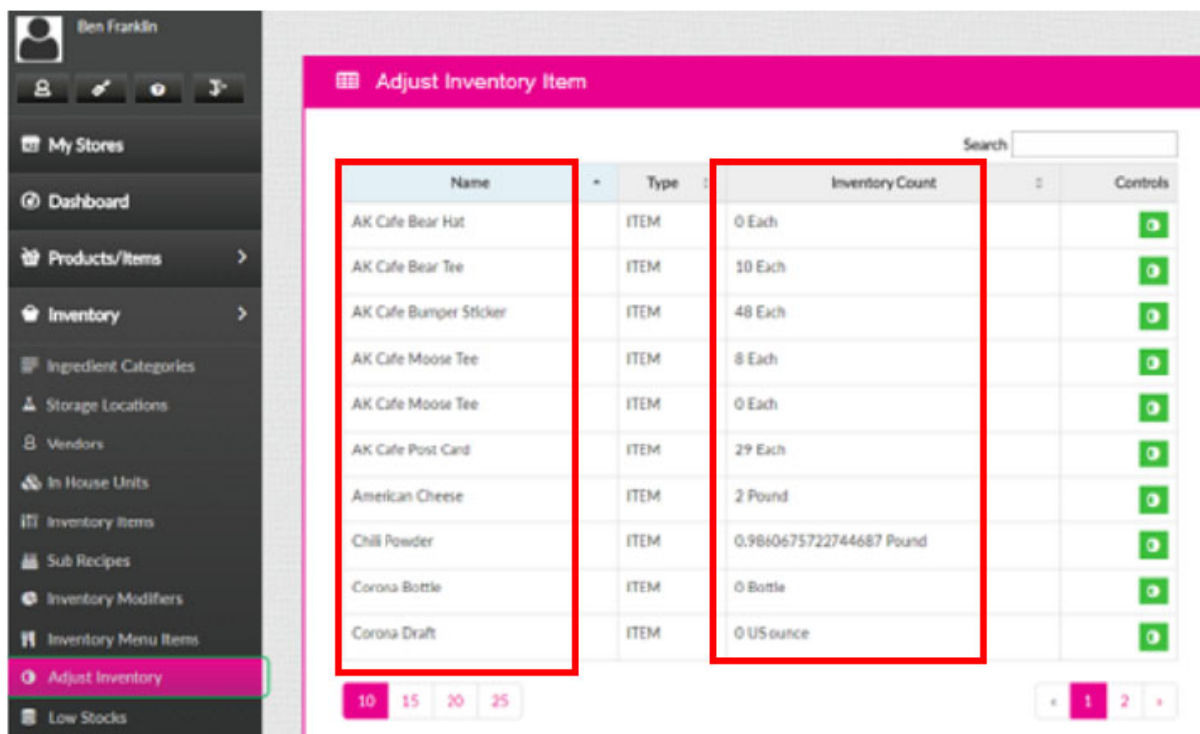
Recipe Units: Pound 16, Ounce (weight) 5 0.13

Buttons: Cancel, Update

- Source: <https://www.lingapos.com/inventory-management/>
- Source: <https://youtu.be/kpYiKbLSPHl>
- Source: <https://www.lingapos.com/pricing/>
- Source: <https://support.lingapos.com/portal/kb/articles/how-to-adjust-inventory>
- Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>
- Source: <https://www.lingapos.com/lingapos-free-ipad-pos-restaurant-point-sale-system-free-trial/>

21. The look-up (e.g., the remote database accessed by Linga POS) also stores a plurality of information link indicators (e.g., product quantity, price, 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.

Inventory Item	
Name *	American Cheese
Category *	Food
Primary Storage *	Fridge
System *	Vendor
Vendor *	Sysco
SKU Barcode	
Brand Name	
Purchase Unit *	Pound
Inventory Unit *	Pound
Par Level	5
Secondary Storage	Select Secondary storage
Receiving Quantity *	10
Price *	20
Yield % *	100
Price Per Unit *	2
Recipe Units	
Pound	16
Ounce (weight)	\$ 0.13
Cancel Update	



Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

Source: <https://support.lingapos.com/portal/kb/articles/how-to-adjust-inventory>

22. Each information link indicator configured in Linga POS (e.g., indication of availability of a product in inventory or out of stock “Available in Point of Sale i.e. Low Stocks”) is associated with a respective symbology (e.g., barcode number) and article of commerce (e.g., American cheese). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Inventory Item

Name *	American Cheese	Inventory Unit *	Pound
Category *	Food	Par Level	5
Primary Storage *	Fridge	Secondary Storage	Select Secondary storage

Sysco Vendor

Vendor *	Sysco	Receiving Quantity *	10
SKU Barcode		Price *	20
Brand Name		Yield % *	100
Purchase Unit *	Pound	Price Per Unit *	2

Recipe Units

Pound	16	Ounce (weight)	\$ 0.13
-------	----	----------------	---------

Cancel
Update

Ben Franklin

- My Stores
- Dashboard
- Products/Items
- Inventory
- Ingredient Categories
- Storage Locations
- Vendors
- In House Units
- Inventory Items
- Sub Recipes
- Inventory Modifiers
- Inventory Menu Items
- Adjust Inventory
- Low Stocks

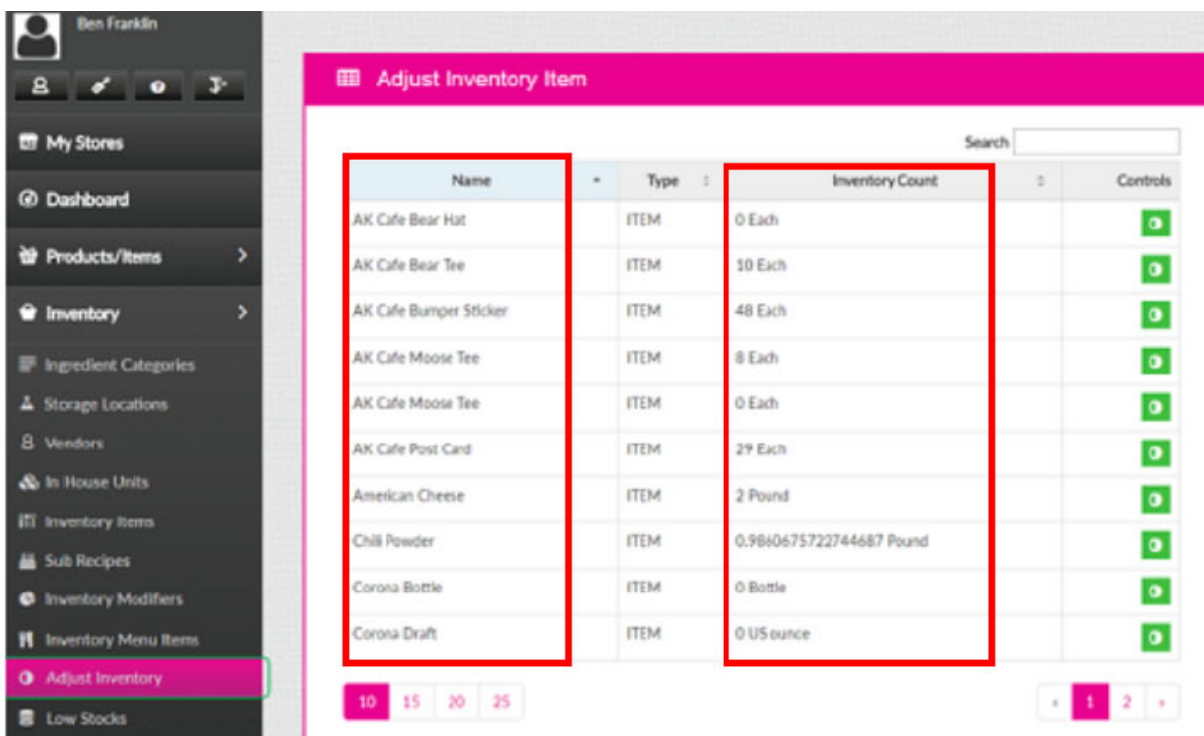
Adjust Inventory Item

Name	Type	Inventory Count	Controls
AK Cafe Bear Hat	ITEM	0 Each	<input type="button" value="0"/>
AK Cafe Bear Tee	ITEM	10 Each	<input type="button" value="0"/>
AK Cafe Bumper Sticker	ITEM	48 Each	<input type="button" value="0"/>
AK Cafe Moose Tee	ITEM	8 Each	<input type="button" value="0"/>
AK Cafe Moose Tee	ITEM	0 Each	<input type="button" value="0"/>
AK Cafe Post Card	ITEM	29 Each	<input type="button" value="0"/>
American Cheese	ITEM	2 Pound	<input type="button" value="0"/>
Chili Powder	ITEM	0.9840675722744687 Pound	<input type="button" value="0"/>
Corona Bottle	ITEM	0 Bottle	<input type="button" value="0"/>
Corona Draft	ITEM	0 US ounce	<input type="button" value="0"/>

Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

Source: <https://support.lingapos.com/portal/kb/articles/how-to-adjust-inventory>

23. Each information link indicator (e.g., “Available in Point of Sale i.e. Inventory Count” 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 Linga POS 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.



Cloud Based

We know you can't always be there. Linga POS lets you access your data instantly from anywhere, anytime, worldwide. All you need is an internet connection.

Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

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

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 Linga POS 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.

Inventory Item

Name *	American Cheese	Inventory Unit *	Pound
Category *	Food	Par Level	5
Primary Storage *	Fridge	Secondary Storage	Select Secondary storage

Sysco Vendor

Vendor *	Sysco	Receiving Quantity *	10
Sku Barcode		Price *	20
Brand Name		Yield % *	100
Purchase Unit *	Pound	Price Per Unit *	2

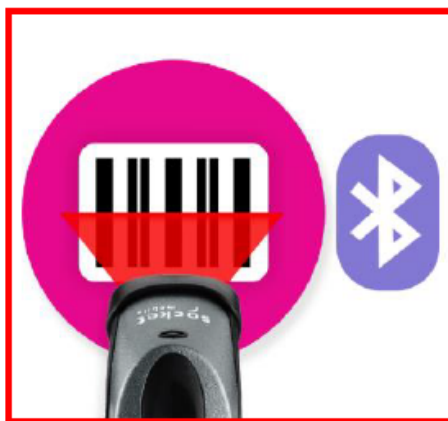
Recipe Units

Pound	16	Ounce (weight)	\$ 0.13
-------	----	----------------	---------

Cancel Update

Barcode Scanning

If you are selling items with UPC codes, Linga POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. Linga's robust feature set will be able to run a restaurant with retail items as well as a full retail store.



Source: <https://shop.lingapos.com/products>

Source: <https://www.lingapos.com/lingapos-free-ipad-pos-restaurant-point-sale-system-free-trial/>

Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

25. In Linga POS, 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 Linga POS). 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., inventory count 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.

Inventory Item

Name *	American Cheese	Inventory Unit *	Pound
Category *	Food	Par Level	5
Primary Storage *	Fridge	Secondary Storage	Select Secondary storage
Sysco Vendor			
Vendor *	Sysco	Receiving Quantity *	10
Sku Barcode		Price *	20
Brand Name		Yield % *	100
Purchase Unit *	Pound	Price Per Unit *	2
Recipe Units			
Pound	16	Ounce (weight)	\$ 0.13

Cancel Update

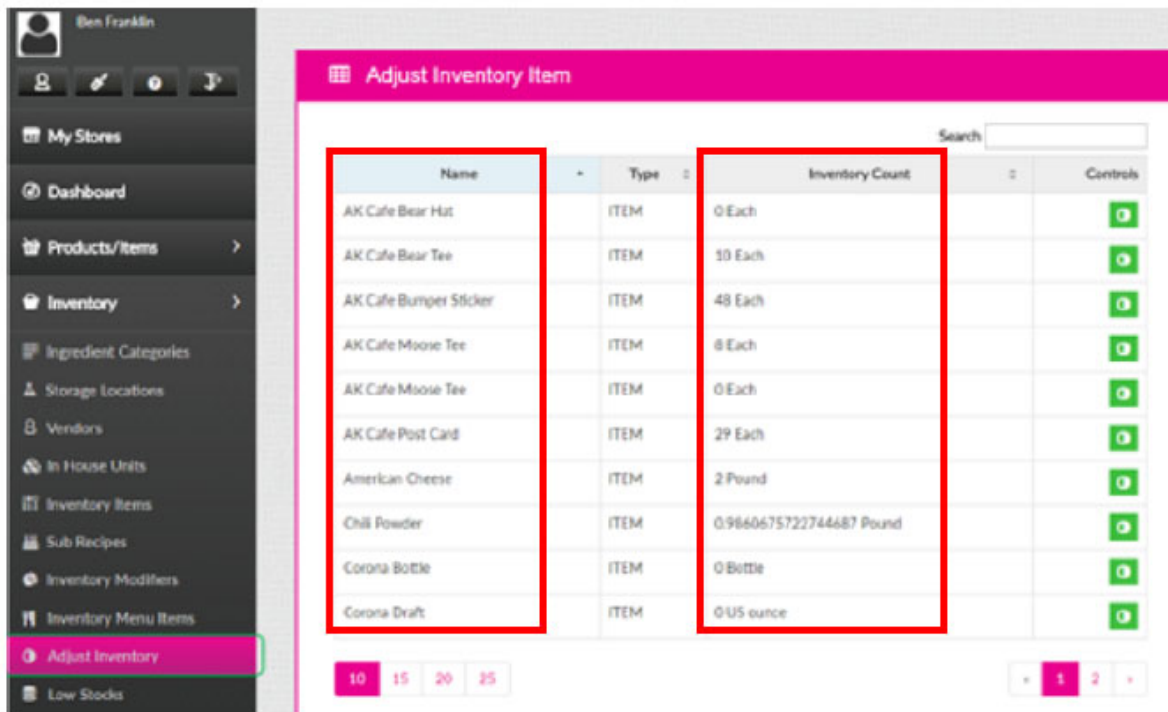


Cloud Based

We know you can't always be there. Linga POS lets you access your data instantly from anywhere, anytime, worldwide. All you need is an internet connection.

Barcode Scanning

If you are selling items with UPC codes, Linga POS can keep track of all your UPC codes per item and give you the ability to scan those items in the checkout process. Linga's robust feature set will be able to run a restaurant with retail items as well as a full retail store.




Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>
 Source: <https://www.lingapos.com/lingapos-free-ipad-pos-restaurant-point-sale-system-free-trial/>
 Source: <https://www.lingapos.com/pos-software/>
 Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

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



Offline Mode

Never worry about connectivity issues again. Linga POS constantly syncs in real time and each iPad works seamlessly offline. Chances are you won't even notice when your Wi-Fi goes out.



No Signal, No Problem

Linga POS has a special offline feature where the iPads work independently without the need of a server computer or another iPad. It even works without the internet. No WiFi, No Internet, No Problem.

REQUEST DEMO

Ben Franklin

- My Stores
- Dashboard
- Products/Items
- Inventory**
- Ingredient Categories
- Storage Locations
- Vendors
- In House Units
- Inventory Items
- Sub Recipes
- Inventory Modifiers
- Inventory Menu Items
- Adjust Inventory**
- Low Stocks

Adjust Inventory Item

Search:

Name	Type	Inventory Count	Controls
AK Cafe Bear Hat	ITEM	0 Each	0
AK Cafe Bear Tee	ITEM	10 Each	0
AK Cafe Bumper Sticker	ITEM	48 Each	0
AK Cafe Moose Tee	ITEM	8 Each	0
AK Cafe Moose Tee	ITEM	0 Each	0
AK Cafe Post Card	ITEM	29 Each	0
American Cheese	ITEM	2 Pound	0
Chili Powder	ITEM	0.9860675722744687 Pound	0
Corona Bottle	ITEM	0 Bottle	0
Corona Draft	ITEM	0 US ounce	0

10 15 20 251 2

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

Source: <https://www.lingapos.com/features-overview/>

Source: <https://support.lingapos.com/portal/kb/articles/how-to-add-edit-inventory-menu-items>

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 18, 20220

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
Secondary e-mail: mail@scottwagnerlaw.com
www.ScottWagnerLaw.com

ATTORNEY FOR PLAINTIFF