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

RFID TECHNOLOGY INNOVATIONS, LLC,	§ § §	
Plaintiff,	§ §	Case No: 6:20-cv-01854-PGB-GJK
vs.	§ §	PATENT CASE
RMS OMEGA TECHNOLOGIES GROUP, INC.,	§ § § §	
Defendant.	§ § §	

FIRST AMENDED COMPLAINT

Plaintiff RFID Technology Innovations, LLC ("Plaintiff" or "RFID") files this First Amended Complaint against RMS Omega Technologies Group, Inc. ("Defendant" or "RMS Omega") for infringement of United States Patent No. 9,582,689 (the " '689 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 1801 NE 123 Street, Suite 314, Miami, FL 33181.

4.   On information and belief, Defendant is a South Carolina corporation with a place of business at 365 Red Cedar, Suite 102, Bluffton, SC 29910. On information and belief,

Defendant may be served through its agent, John V. Zmarzly, at the same address.

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.

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. 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.

VENUE

7.   On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. For example, Defendant's website, at https://rmsomega.com/company/contact/, indicates that Defendant has a regional office in Orlando, Florida. Moreover, the Florida Secretary of State's office indicates that Defendant has a registered agent in Florida at Incorp Services, Inc., 17888 67th Court N., Loxahatchee, FL 33470.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,582,689)

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 '689 Patent with sole rights to enforce the '689 Patent and sue infringers.

11.   A copy of the '689 Patent, titled "System and method for presenting information about an object on a portable electronic device," is attached hereto as Exhibit A.

12.   The '689 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13.   On February 28, 2017, the United States Patent & Trademark Office (USPTO) duly and legally issued the '689 Patent.

14.   The '689 Patent was examined and issued after the U.S. Supreme Court's *Alice* decision in 2014. Therefore, the USPTO deemed the claims of the '689 Patent to be valid under Section 101 in view of *Alice*.

15.   The '689 Patent teaches non-abstract systems and methods for enabling a portable electronic device to retrieve information about an object when the objects symbology, e.g., a barcode, is detected. See, e.g., '689 Patent, Abstract.

16.   The '689 Patent further teaches enabling the electronic device to also scan an RFID tag associated with the object in order to resolve the identity of the object. See., e.g., '689 Patent, Summary, and 3: 10-25.

17.   The present invention, among other things, combines RFID scanning and symbology scanning to retrieve object information in a non-generic way not accomplished by the prior art.

18.   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.

19.   The '689 Patent includes non-generic software elements that provide improvements in computer and/or software technology. For example, the '689 Patent provides for a symbology management module, which is configured to obtain data from different detection components within a portable electronic device. '689 Patent, 9:13-30. And, the object identifying module enables the use of scanning techniques (such as RFID scanning) to identify an object. '689 Patent, 11:9-19.

20.   The '689 Patent claims, among other things, a method of scanning (with an electronic device) an object that has an RFID tag. The method also includes detecting symbology associated with the object, decoding the symbology to obtain a decode string (by using one or more detection applications residing on the electronic device, sending the decode string to a remote server for processing, and receiving information about the object from the server, where the information is based on the decode string. The method also includes displaying the received information on the electronic device.

21.   Among other things, the '689 Patent provides for a combination of software and hardware (e.g., a combination of a mobile communication device and an app), which enables a user of the mobile device to scan RFID tags and symbology associated with an object. The system further enables processing of decoded symbology by both the app working together with then processor of the mobile device, and the processor of a remote server. The information from multiple sources may be combined and displayed to the user on the mobile device. See, e.g., '689 Patent, 3:11-42. These aspects of the '689 Patent are novel and non-generic.

22.   Among other things, the '689 Patent provides for combinations of various scanning techniques (e.g., RFID scanning and symbology scanning) to obtain different portions of information about an object associated with different scannable features. See, e.g., '689

Patent, 3:43-64. These aspects are novel and non-generic.

23.   Collectively, the claimed embodiments in the '689 Patent provide new and non-generic solutions to problems related to identifying and decoding code information, processing the code information, and transmitting object information associated with the code information.

24.   The '689 Patent solves problems with the art that are rooted in computer technology.

25.   The '689 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.

26.   Upon information and belief, at least through internal testing, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1 of the '689 Patent by using and/or incorporating RFID tags with symbology scanning in connection with asset tracking products made, used, sold, and/or distributed by and/or controlled by Defendant in a manner covered by one or more claims of the '689 Patent. Defendant has infringed and continues to infringe the '689 Patent in violation of 35 U.S.C. § 271.

27.   Regarding Claim 1, at least through internal use and testing, Defendant provides an asset tracking product called "RFIDPROS" and/or "ASSETracs," and any similar goods or services ("Product"), which perform methods for tracking and managing inventory assets utilizing RFID and barcode/symbology scanning. Certain aspects of this element are illustrated in the screenshots below.
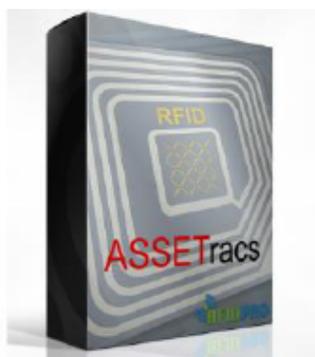
RFID Solutions for Retail

With the implementation of RFID in retail stores, retailers have real-time data on the flow of merchandise and achieve more accurate inventory.

RFID in retail allows:

- Accurate merchandise locations and product availability.

- Overview of inventory from all stores.

- Better data on merchandise flows for managerial decisions and marketing.

- Reduce human error from inaccurate scans or merchandise that is unaccounted for.

- Maintain adequate stock and minimize stolen goods.

Source: https://rmsomega.com/rfidpros/solutions/industry-solutions/retail/
Source: https://rmsomega.com/rfidpros/products/asset-management/

28.   The Product practices scanning an object with an electronic device (e.g., handheld RFID scanner) wherein the object contains an RFID tag. The scanning is done to collect data from the object containing an RFID tag within a certain vicinity. The RFID scanner, together with the software, can display the proximity of, and/or other information associated with, the object. Certain aspects of this element are illustrated in the screenshots below and/or in screenshots provided in connection with other allegations herein.
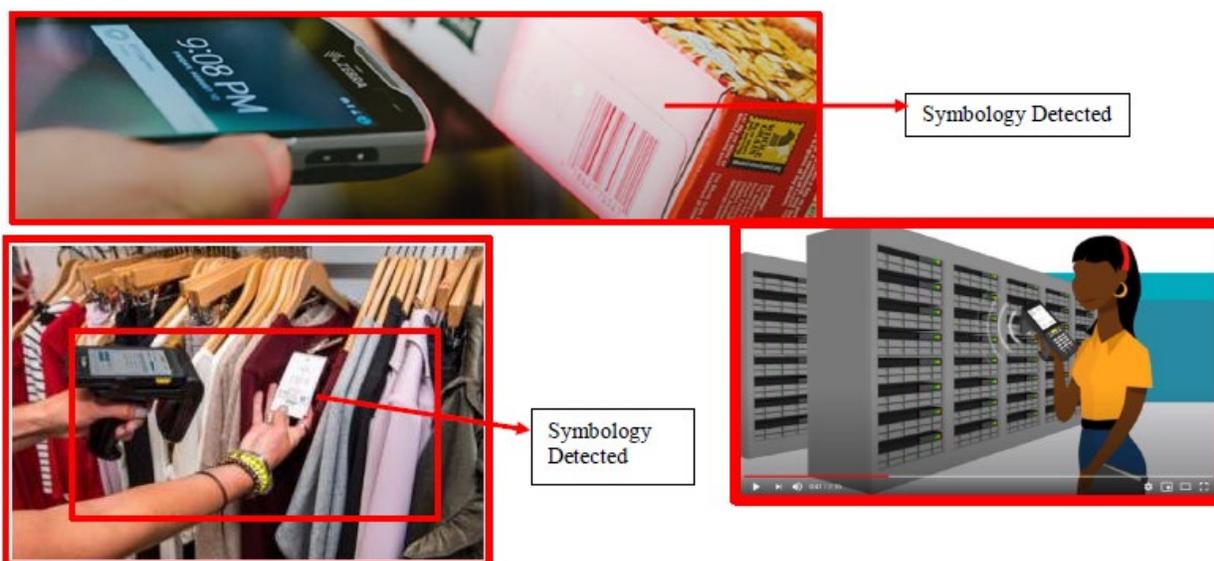
Asset Inventory

A hybrid use of barcode and RFID technologies allows users to inventory assets quickly and efficiently to eliminate common, expensive problems. Through a handheld computer, a user receives feedback on a missing or misplaced item. This real-time information allows for immediate action and correction of the problem, allowing to maintain the most up-to-date information possible. With ASSETracs, you can take a wall-to-wall inventory in just seconds.

Source: https://rmsomega.com/rfidpros/solutions/industry-solutions/retail/
Source: https://www.youtube.com/watch?v=49og-S32gX4
Source: https://rmsomega.com/rfidpros/wp-content/uploads/sites/3/2020/06/ASSETracs-RFID-Pros.pdf

29.   The Product can be further utilized, after locating an RFID tag, to scan a barcode (i.e., symbology) associated with the object. Certain aspects of this element are illustrated in the screenshots below and/or screenshots referenced in other paragraphs herein.

Source: https://rmsomega.com/rfidpros/solutions/industry-solutions/retail/
Source: https://www.youtube.com/watch?v=49og-S32gX4

30. The Product decodes the symbology (i.e., barcode) to obtain a decode string (i.e., asset details, ID, etc.) using the one or more detection applications residing on the electronic device. Certain aspects of this element are illustrated in the screenshots below and/or screenshots referenced in other paragraphs herein.

During Scan

After Scan

Source: https://www.youtube.com/watch?v=49og-S32gX4

31. The Product sends the decoded string to a remote server (RMS Omega server) for processing. For example, the handheld barcode scanner sends the information associated with the barcode to the server for fetching further information about the object whose barcode and RFID tag are scanned. Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.

PLAINTIFF'S FIRST AMENDED COMPLAINT AGAINST DEFENDANT RMS OMEGA TECHNOLOGIES GROUP, INC.
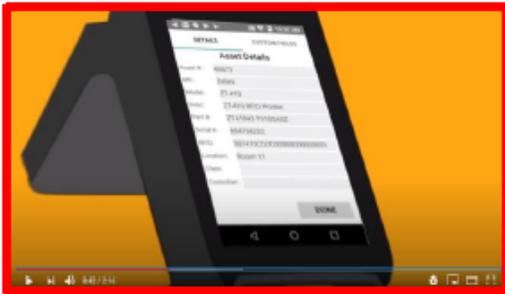| 9

ASSETracs™ is an RFID-based asset tracking software package that allows organizations to track multiple types of assets across their entire organization. With both a web management component and a Windows mobile client for mobile RFID devices, ASSETracs™ lets you:

StayLinked terminal emulation software consists of three components:

- Server software, installed on the Host computer
- Client software, installed on wireless computers
- Administrator software, installed on a Windows-based PC
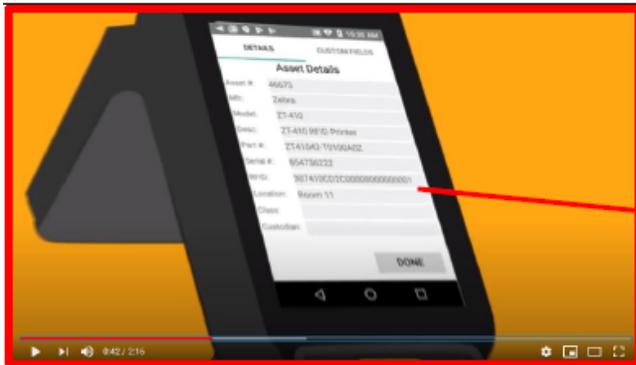

Source: https://rmsomega.com/products/software/terminal-emulation-software-stay-linked/
Source: https://rmsomega.com/rfidpros/products/asset-management/assetracs-asset-tracking-software/

32.   The Product practices receiving the information, from the server, based on the scanned barcode and RFID tag, and displays various information about the object. Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.

ASSETracs

Asset Tracking Software

ASSETracs™ is an RFID and barcode-based software package that allows companies of all shapes and sizes to track multiple types of assets across their entire organization.

Location Technology

Real Time Location Systems

Get real-time, or near real-time data on the location, condition, timing, accuracy, and speed of events occurring throughout an organization's daily operations.

- **View reports detailing asset status:** The ASSETracs™ reporting feature allows users to generate numerous asset location and status reports, including reports detailing missing or out-of-place assets and reports detailing the entire inventory history of assets. Reports are created through Crystal Reports and can be exported in multiple formats either through the Crystal Reports toolbar or with the ASSETracs™ built-in Excel/CSV export capability.
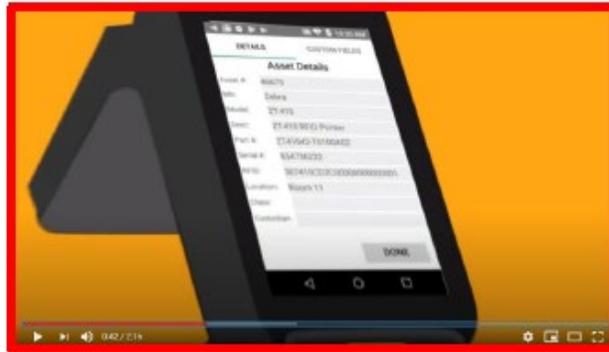

After scan – Item with its detail is listed and displayed

Source: https://rmsomega.com/rfidpros/
Source: hhttps://rmsomega.com/rfidpros/products/asset-management/assetracs-asset-tracking-software/

33.   The Product displays the information on the display device (e.g., display screen of the electronic device). Certain aspects of this element are illustrated in the screenshots below and/or those referenced in other paragraphs herein.

RFID Software Applications

Track items as they move through gateways and instantly transmit data back to your warehouse management or ERP system. Use RFID software to automate check-in/check-out of items, track when employees come and go, trigger an alarm when something leaves that shouldn't, quickly see what's in an area or location, see if an item is where it is supposed to be, and know when something is missing.

Source: https://rmsomega.com/rfidpros/wp-content/uploads/sites/3/2020/06/ASSETracs-RFID-Pros.pdf
Source: hhttps://rmsomega.com/rfidpros/products/asset-management/assetracs-asset-tracking-software/

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

35.   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.

36.   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. 9,582,689 (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: November 18, 2020   Respectfully submitted,

                                            RODRIGUEZ-ALBIZU LAW, P.A.
                                            759 SW Federal Highway
                                            Suite 203
                                            Stuart, FL 34994
                                            Tel: (772) 261-5080

                                            By: */s/ Gerardo J. Rodriguez-Albizu*
                                                 Gerardo J. Rodriguez-Albizu, Esq.
                                                 Fla. Bar No. 61685
                                                 E-mail: grodriguez@ralawpa.com

                                    ATTORNEY FOR PLAINTIFF

                          CERTIFICATE OF SERVICE

     I hereby certify that on November 18, 2020, a copy of the foregoing First Amended

Complaint was filed electronically. Service of this filing will be made on all ECF-registered

counsel by operation of the court's electronic filing system. Parties may access this filing

through the court's system.

                                            /s/ *Gerardo J. Rodriguez-Albizu*
                                                 Gerardo J. Rodriguez-Albizu, Esq.

                          SERVICE LIST

                   Case No: 6:20-cv-01854-PGB-GJK

Eleanor Trotman Barnett
Waldman Barnett, PL
3250 Mary St. Ste 102
Coconut Grove, FL 33133
305/371-8809
Fax: 305/448-4155
Email: ebarnett@waldmanbarnett.com