

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SCANNING TECHNOLOGIES  
INNOVATIONS LLC,**

**Plaintiff,**

**vs.**

**PEGASUS U.S.A., LLC,**

**Defendant.**

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**Case No:**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**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 Pegasus, U.S.A., LLC (“Defendant” or “Pegasus”) 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 Florida limited liability company with its principal office located at 1 E Broward Blvd STE 700 Ft Lauderdale FL 33301.

4. On information and belief, Defendant is a New Jersey limited liability company having a place of business at 180 Talmadge Rd., Suite 688, Edison, NJ 08817. On information and belief, Defendant may be served at 180 Talmadge Rd., Suite 688, Edison, NJ 08817.

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 Pegasus Phomello POS point-of-sale system, Phomello 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., Pegasus Phomello 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 tracking in POS") 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.

### Phomello Cloud Restaurant POS Software:

After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been designed for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.

#### Retail Shop:

Phomello LitePOS is a great solution for Small business owners and Kirana Shops. The lightweight and portable Phomello LitePOS device allow shop owners to manage inventory, track sales, store vendor contacts and customer details, issue discounts, customize GST tax and email or print digital receipts efficiently. The easy to use Phomello LitePOS device has a friendly user interface which minimizes training cost of staff members.

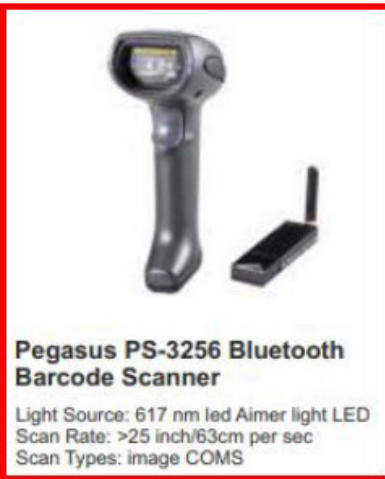
Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

Source: <https://www.phomello.com/strategies-success-pos>

16. The Product comprises a mobile device (e.g., iPad, etc.) running Pegasus POS and a portable handheld housing (e.g., Pegasus PS-3256) 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.



**Phomello Cloud Restaurant POS Software:**  
After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been design for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.

Source: <https://manualzz.com/doc/32284345/about-phomello-android-cloud-features>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

17. The Product uses a signal processing device (e.g., processor of iPad mobile device) which enables the communication network access (i.e. Internet) and includes a 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://manualzz.com/doc/32284345/about-phomello-android-cloud-features>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

18. The Product includes a visual input device (Pegasus PS3256\_ supported by the Pegasus Phomello POS system and affixed within the portable handheld housing. Certain aspects of this element are illustrated in the screenshots provided in connection with other allegations herein.



Source: <https://www.pegasustech.net/>



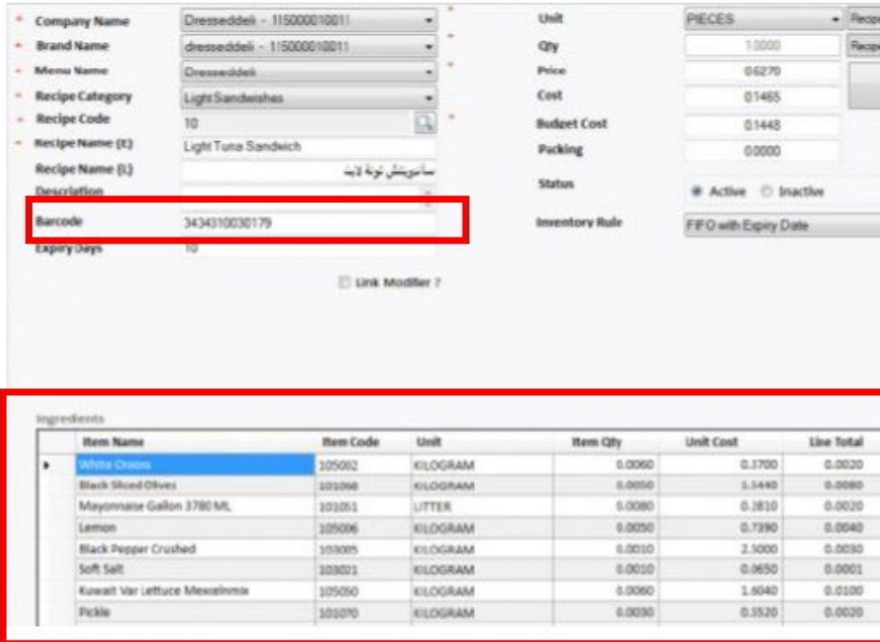
Source: <https://www.phomello.com/gallery>

20. The Product also includes a cloud server accessed by Pegasus Phomello POS with the cloud communication network (e.g., Internet). The cloud server comprises a server database (e.g., cloud database that stores information corresponding to products) configured to store a look-up table (e.g., the cloud database) which includes the details (e.g., quantity in stock, barcode- 3434310030179, etc.) related to corresponding item (e.g., Light Tuna Sandwich). Certain aspects of this element are illustrated in the screenshots below and/or

those provided in connection with other allegations herein.

### Phomello Cloud Restaurant POS Software:

After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been design for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.



Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

















Source: <https://www.phomello.com/gallery>

21. The look-up (e.g., the cloud database accessed by Pegasus Phomello POS) also stores a plurality of information link indicators (e.g., “Available in Point of Sale i.e. inventory tracking in POS”) to information pertaining to an article of commerce (e.g., barcode number, quantity in stock, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

**Retail Shop:**

Phomello LitePOS is a great solution for Small business owners and Kirana Shops. The lightweight and portable Phomello LitePOS device allow shop owners to manage inventory, track sales, store vendor contacts and customer details, issue discounts, customize GST tax and email or print digital receipts efficiently. The easy to use Phomello LitePOS device has a friendly user interface which minimizes training cost of staff members.

Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

| Device Code     | Item Code | Item Name              | Barcode | SKU  | Is Active | Modified Date    | Action                                                                                                                                                                      |
|-----------------|-----------|------------------------|---------|------|-----------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 357514424548947 | 1031      | Aloo Mutter Mix        | 0       | 1031 | Yes       | 02-09-2017 13:08 |   |
| 357514424548947 | 1032      | Bhindi Masala          | 0       | 1032 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1033      | Dal Tadka              | 0       | 1033 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1034      | Dal Fry                | 0       | 1034 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1025      | Mushroom Paneer        | 0       | 1025 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1026      | Mutter Mushroom Paneer | 0       | 1026 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1027      | Sev Tamatar            | 0       | 1027 | Yes       | 02-09-2017 13:08 |       |
| 357514424548947 | 1032      | Bhindi Masala          | 0       | 1032 | Yes       | 02-09-2017 13:08 |       |

Source: <https://www.phomello.com/strategies-succes-pos>

Source: <https://www.phomello.com/gallery>

22. Each information link indicator configured in Pegasus Phomello POS (e.g., indication of existence of a link obtained by selecting a product name of “Available in Point of Sale i.e., inventory tracking in POS”) is associated with a respective symbology (e.g., barcode e.g., 3434310030179) and article of commerce (e.g., Light Tuna Sandwich). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



**Retail Shop:**

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Shop owners and Retail chains can also use the LitePOS system effortlessly by integrating it with their ERP and databases. Cloud back office helps to gain real-time information about inventory, stock levels and customer preferences. Provide a digital experience to your customers and gain their loyalty. Phomello LitePOS is sure to gain you more customers and better return on investment.

The screenshot displays the Phomello LitePOS software interface for editing a recipe. The 'Recipe Name (E)' field is highlighted with a red box and contains 'Light Tuna Sandwich'. Below it, the 'Barcode' field is also highlighted with a red box and contains '3434310030179'. The 'Expiry Days' field is set to '10'. The 'Unit' is 'PIECES', 'Qty' is '1.0000', 'Price' is '0.6270', and 'Cost' is '0.1465'. The 'Budget Cost' is '0.1448', 'Packing' is '0.0000', and the 'Inventory Rule' is 'FFO with Expiry Date'. The 'Status' is set to 'Active'. The 'Ingredients' table below lists various items with their codes, units, quantities, and costs.

| Item Name                   | Item Code | Unit     | Item Qty | Unit Cost | Line Total |
|-----------------------------|-----------|----------|----------|-----------|------------|
| White Onions                | 105002    | KILOGRAM | 0.0060   | 0.3700    | 0.0020     |
| Black Sliced Olives         | 101068    | KILOGRAM | 0.0050   | 1.5440    | 0.0080     |
| Mayonnaise Gallon 3780 ML   | 101051    | LITTER   | 0.0080   | 0.2810    | 0.0020     |
| Lemon                       | 105006    | KILOGRAM | 0.0050   | 0.7390    | 0.0040     |
| Black Pepper Crushed        | 103005    | KILOGRAM | 0.0010   | 2.5000    | 0.0030     |
| Soft Salt                   | 103021    | KILOGRAM | 0.0010   | 0.0650    | 0.0001     |
| Kuwait Var Lettuce Mixelmix | 105050    | KILOGRAM | 0.0060   | 1.6040    | 0.0100     |
| Pickle                      | 101070    | KILOGRAM | 0.0030   | 0.3520    | 0.0020     |

Source: <https://www.phomello.com/strategies-sucess-pos>

Source: <https://www.phomello.com/gallery>

23. Each information link indicator (e.g., “Available in Point of Sale i.e. inventory tracking in POS” 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., indicating whether link to information corresponding to inventory item is available or not). The link is made to the information via the communication network (e.g., link to information about the product in POS is accessed using the Internet (i.e., in association with the cloud server database). Certain

aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

| Device Code     | Item Code | Item Name              | Barcode | SKU  | Is Active | Modified Date    | Action                                                                                                                                                                      |
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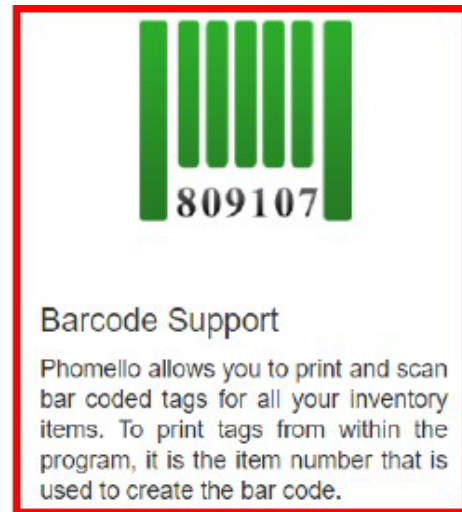
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Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

Source: <https://www.phomello.com/gallery>

24. The visual input device (e.g., barcode reader) accessed by Pegasus PhomelloPOS is configured to scan an image of an article of commerce (e.g., scan barcode associated

with a product) and decode the image to obtain a symbology (e.g., decode barcode of the product) and forward data from the scanned image to the signal processing device. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.



Source: <https://www.pegasustech.net/>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

25. In Pegasus Phomello POS, in response to receiving the symbology (e.g., barcode), the system displays the availability (i.e., "YES" in "IN ACTIVE" status) or unavailability of product as well as the information link related to the product. The user can see the products with respect to their availability/quantity and during the sale the user can track the inventory. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

\* Company Name: Dresseddeli - 115000010011  
 \* Brand Name: dresseddeli - 115000010011  
 \* Menu Name: Dresseddeli  
 \* Recipe Category: Light Sandwiches  
 Recipe Code:   
 Recipe Name (E): **Light Tuna Sandwich**  
 Recipe Name (A):   
 Description:   
 Barcode: **3434310030179**  
 Expiry Days:   
 Link Modifier ?

Unit: PIECES  
 Qty: 1.0000  
 Price: 0.6270  
 Cost: 0.1465  
 Budget Cost: 0.1440  
 Packing: 0.0000  
 Status:  Active  Inactive  
 Inventory Rule: FIFO with Expiry Date

Ingredients

| Item Name                     | Item Code | Unit     | Item Qty | Unit Cost | Line Total |
|-------------------------------|-----------|----------|----------|-----------|------------|
| White Onions                  | 105002    | KILOGRAM | 0.0060   | 0.3700    | 0.0020     |
| Black Sliced Olives           | 101068    | KILOGRAM | 0.0050   | 1.5440    | 0.0080     |
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| Pickle                        | 101070    | KILOGRAM | 0.0030   | 0.3520    | 0.0020     |

After years of experience, a perfect solution Phomello Cloud Restaurant POS Software has been design for standalone to Enterprise level restaurant chains. Phomello Cloud Point-of-Sale have unique features like online / offline KDS, Table order and Order Taking modules which are fully integrated with local and cloud on android OS.

| Device Code     | Item Code | Item Name              | Barcode | SKU  | Is Active  | Modified Date    | Action                                                                                                                                                                      |
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Source: <https://www.phomello.com/gallery>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

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

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| Device Code     | Item Code | Item Name              | Barcode | SKU  | Is Active | Modified Date    | Action                                                                                                                                                                      |
|-----------------|-----------|------------------------|---------|------|-----------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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Source: <https://www.phomello.com/gallery>

Source: <https://www.phomello.com/phomello-restaurant-pos-cloud-system/>

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.

**JURY DEMAND**

23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

**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: March 3, 2022.

Respectfully submitted,

*/s/ Mark A. Kriegel* \_\_\_\_\_

**MARK KRIEGEL**

**LAW OFFICE OF MARK A. KRIEGEL, LLC**

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**ATTORNEYS FOR PLAINTIFF**