

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

CM SYSTEMS, LLC

Plaintiff,

v.

TRANSACT TECHNOLOGIES, INC,

Defendant.

CASE NO.

**COMPLAINT**

Plaintiff CM Systems, LLC and through its undersigned attorneys, files this Complaint against Defendant TransAct Technologies Incorporated (“TransAct” or “Defendant”) and in support thereof alleges as follows:

**INTRODUCTION**

1. This is an action for patent infringement against Defendant arising under the patent laws of the United States, Title 35, United States Code. Plaintiff seeks judgment that Defendant has directly infringed United States Patent No. 9,811,788 and United States Patent No. 11,004,020, and has induced and contributed to the infringement of others.

**PARTIES**

2. Plaintiff CM Systems, LLC d/b/a ComplianceMate (hereinafter “ComplianceMate” or “Plaintiff”) is an Arizona corporation having its principal place of business at 1000 Hurricane Shoals Road, Suite A-100, Lawrenceville, GA 30043.

3. Upon information and belief, Defendant TransAct Technologies, Inc. is a Delaware corporation with its principal place of business at One Hamden Center, 2319 Whitney Avenue, Hamden, CT 06518.

#### JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over Defendant because Defendant's corporate headquarters are located in this judicial district and because Defendant has committed and continues to commit acts of patent infringement in the State of Connecticut including making, using, offering to sell, and/or selling infringing products within the State of Connecticut and this judicial district.

6. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant has a regular and established place of business in this district at One Hamden Center, 2319 Whitney Avenue, Hamden, CT.

#### BACKGROUND

7. On November 7, 2017, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 9,811,788 (hereinafter "the '788 Patent"), entitled "Food Management Safety System." A true and correct copy of the '788 Patent is attached as Exhibit A.

8. On May 11, 2021, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 11,004,020 (hereinafter "the '020 Patent"), entitled "Food Management Safety System." A true and correct copy of the '020 Patent is attached as Exhibit B.

9. The '788 Patent and the '020 Patent generally relate to food safety management systems that provide the ability to implement Hazard Analysis and Critical Control Points (HACCP) programs for compliance with food safety regulations across multiple food service establishments, such as restaurants, eateries, commercial and institutional kitchens, and other food service establishments.

10. The claims of the '788 Patent and the '020 Patent carry a presumption of validity under 35 U.S.C. § 282(a) and are enforceable.

11. ComplianceMate is the assignee and owner of all right, title, and interest in and to the '788 Patent and the '020 Patent, including the right to sue for patent infringement.

12. Defendant makes, uses, sells, and/or offers for sale hardware and software products for food safety management, including but not limited to its BOHA! System, which may include the BOHA! Workstation, BOHA! Terminal, BOHA! Terminal with CrunchTime, Accudate 9700, Ithaca 9000, BOHA! applications, BOHA! Checklist, BOHA! Food Prep, BOHA! Food Recall, BOHA! Inventory, BOHA! Labeling, BOHA! Sense, BOHA! Temp, BOHA! Timer, and related products and services (hereinafter “the Accused Instrumentalities”).

13. Defendant was placed on notice of the '788 Patent and the '020 Patent and of its direct, induced, and contributory infringement of the '788 Patent and the '020 Patent under 35 U.S.C. §§ 271(a)-(c) at least as early as on or about March 4, 2022 upon receipt of a letter from ComplianceMate and has had such knowledge at least as early as that time.

#### COUNT I – INFRINGEMENT OF THE '788 PATENT

14. ComplianceMate incorporates the above paragraphs herein by reference.

15. Defendant has directly infringed, pursuant to 35 U.S.C. § 271(a), literally or by the doctrine of equivalents, and continues to infringe, one or more claims of the '788 Patent by making,

using, selling, offering to sell and/or importing, without limitation, the Accused Instrumentalities, as described in the preliminary exemplary claim chart incorporated into this Count as Exhibit C attached hereto and made a part hereof.

16. Defendant was placed on notice of the '788 Patent and its infringement of the '788 Patent at least as early as on or about March 4, 2022 upon receipt of the letter from ComplianceMate referenced above and has had such knowledge at least as early as that time.

17. Defendant actively, knowingly, and intentionally has been and continues to induce others' infringement of the '788 Patent, literally or by the doctrine of equivalents, by at least selling Defendant's Accused Instrumentalities and instructing Defendant's customers and other end users to use the Accused Instrumentalities in a manner that directly infringes one or more of the claims of the '788 Patent, thereby resulting in Defendant infringing the '788 Patent pursuant to 35 U.S.C. § 271(b).

18. Defendant sells one or more non-staple components of the Accused Instrumentalities to others, which are material to the invention of the '788 Patent and have no substantial non-infringing uses, but are otherwise especially adapted for use in an infringement of the '788 Patent.

19. Defendant's sale of such non-staple components of the Accused Instrumentalities to others is with knowledge at least as early as the date described above when Defendant was placed on notice of its infringement of the '788 Patent that such components are especially made or adapted for use in an infringement of the '788 Patent, thereby resulting in Defendant infringing the '788 Patent pursuant to 35 U.S.C. § 271(c).

20. ComplianceMate has been damaged as a result of Defendant's infringing conduct. Defendant is liable to ComplianceMate in an amount that adequately compensates for Defendant's

infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

21. Defendant's infringement of the '788 Patent has been willful at least because Defendant received notice of its infringement at least as early as on or about March 4, 2022, when Defendant received the letter from ComplianceMate referenced above, yet Defendant continued to deliberately and intentionally commit acts of infringement by at least making, using, selling, offering to sell and/or importing the Accused Instrumentalities, instructing others to use the Accused Instrumentalities in an infringing manner, and selling non-staple components of the Accused Instrumentalities to others with knowledge that such components are especially made or adapted for use in an infringement of the '788 Patent.

22. Upon information and belief, Defendant will continue its infringement of the '788 Patent unless enjoined by the Court. Defendant's infringing conduct has caused ComplianceMate irreparable harm and will continue to cause such harm without the issuance of an injunction.

COUNT II – INFRINGEMENT OF THE '020 PATENT

23. ComplianceMate incorporates the above paragraphs herein by reference.

24. Defendant has directly infringed, pursuant to 35 U.S.C. § 271(a), literally or by the doctrine of equivalents, and continues to infringe, one or more claims of the '020 Patent by making, using, selling, offering to sell and/or importing, without limitation, the Accused Instrumentalities, as described in the preliminary exemplary claim chart incorporated into this Count as Exhibit D attached hereto and made a part hereof.

25. Defendant was placed on notice of the '020 Patent and its infringement of the '020 Patent at least as early as on or about March 4, 2022 upon receipt of the letter from ComplianceMate referenced above and has had such knowledge at least as early as that time.

26. Defendant actively, knowingly, and intentionally has been and continues to induce others' infringement of the '020 Patent, literally or by the doctrine of equivalents, by at least selling Defendant's Accused Instrumentalities and instructing Defendant's customers and other end users to use the Accused Instrumentalities in a manner that directly infringes one or more of the claims of the '020 Patent, thereby resulting in Defendant infringing the '020 Patent pursuant to 35 U.S.C. § 271(b).

27. Defendant sells one or more non-staple components of the Accused Instrumentalities to others, which are material to the invention of the '020 Patent and have no substantial non-infringing uses, but are otherwise especially adapted for use in an infringement of the '020 Patent.

28. Defendant's sale of such non-staple components of the Accused Instrumentalities to others is with knowledge at least as early as the date described above when Defendant was placed on notice of its infringement of the '020 Patent that such components are especially made or adapted for use in an infringement of the '020 Patent, thereby resulting in Defendant infringing the '020 Patent pursuant to 35 U.S.C. § 271(c).

29. ComplianceMate has been damaged as a result of Defendant's infringing conduct. Defendant is liable to ComplianceMate in an amount that adequately compensates for Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

30. Defendant's infringement of the '020 Patent has been willful at least because Defendant received notice of its infringement at least as early as on or about March 4, 2022, when Defendant received the letter from ComplianceMate referenced above, yet Defendant continued to deliberately and intentionally commit acts of infringement by at least making, using, selling,

offering to sell and/or importing the Accused Instrumentalities, instructing others to use the Accused Instrumentalities in an infringing manner, and selling non-staple components of the Accused Instrumentalities to others with knowledge that such components are especially made or adapted for use in an infringement of the '020 Patent.

31. Upon information and belief, Defendant will continue its infringement of the '020 Patent unless enjoined by the Court. Defendant's infringing conduct has caused ComplianceMate irreparable harm and will continue to cause such harm without the issuance of an injunction.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ComplianceMate prays that the Court enter judgment in its favor and against Defendant as follows:

- A. That the Court enter judgment of infringement against Defendant;
- B. That Defendant be ordered to pay damages adequate to compensate Plaintiff for its acts of infringement, pursuant to 35 U.S.C. § 284;
- C. That Plaintiff be awarded treble damages under 35 U.S.C. § 284 due to Defendant's willful infringement;
- D. That the Court find that this case is exceptional and award Plaintiff its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- E. That Defendant, its officers, agents, employees, and those acting in privity with it, be permanently enjoined from further infringement of the patent-in-suit, pursuant to 35 U.S.C. § 283;
- F. That Defendant be ordered to pay prejudgment and post-judgment interest;
- G. That Defendant be ordered to pay all costs associated with this action; and

H. That Plaintiff be granted such other and additional relief as the Court deems just, equitable, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff ComplianceMate hereby demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted,

CM SYSTEMS, LLC

By its attorney,

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg (ct29518)

Peter A. Nieves (application for *pro hac vice*  
admission to be filed)

SHEEHAN PHINNEY BASS & GREEN, PA

28 State Street, 22nd Floor

Boston, MA 02109

(617) 897-5600

arosenberg@sheehan.com

pnieves@sheehan.com

N. Andrew Crain (application for *pro hac vice*  
admission to be filed)

a.crain@thip.law

Robert D. Gravois (application for *pro hac vice*  
admission to be filed)

r.gravois@thip.law

THOMAS HORSTEMEYER, LLP

3200 Windy Hill Rd SE

Suite 1600E

Atlanta, Georgia 30339

Telephone: 770.933.9500

Facsimile: 770.951.0933

Dated: May 3, 2022