IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VISUAL CONTENT IP, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:16-cv-_____
	§	
DACUDA INC.,	§	Jury Trial Demanded
	§	
Defendant.	§	

PLAINTIFF VISUAL CONTENT IP, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Visual Content IP, LLC files this Complaint for patent infringement against Defendant Dacuda Inc., and alleges as follows:

PARTIES

1. Plaintiff Visual Content IP, LLC ("Visual Content") is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 1400 Preston Road, Suite 487, Plano, Texas 75093.

2. Defendant Dacuda Inc. ("Dacuda") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 2600 El Camino Real, Suite 415, Palo Alto, California 94306. Dacuda may be served with process through its registered agent VCorp Services CA, Inc., 5670 Wilshire Blvd., Suite 1530, Los Angeles, California 90036.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Dacuda is subject to the specific personal jurisdiction of this Court's because Visual Content's claims for patent infringement against Dacuda arise from Dacuda's acts of infringement in the State of Texas. These acts of infringement include selling infringing products in the State of Texas, placing infringing products into the stream of commerce through an established distribution channel with full awareness that substantial quantities of the products have been shipped into the State of Texas, and operating an interactive website facilitating the sale of infringing products in the State of Texas, and inducing infringement of Plaintiff's patents in the State of Texas. Therefore, this Court has personal jurisdiction over Dacuda under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Dacuda has engaged in acts of infringement in the State of Texas described above sufficient to subject it to personal jurisdiction in this district if the district were a separate State.

ASSERTED PATENTS

7. On May 29, 2012, the United States Patent and Trademark Office issued United States Patent No. 8,189,965 ("the `965 Patent") entitled "Image processing handheld scanner system, method, and computer readable medium," a true copy of which is attached as Exhibit 1.

8. On February 26, 2013, the United States Patent and Trademark Office issued United States Patent No. 8,384,947 ("the `947 Patent") entitled "Handheld scanner and system comprising same," a true copy of which is attached as Exhibit 2.

9. On October 29, 2013, the United States Patent and Trademark Office issued United States Patent No. 8,570,588 ("the `588 Patent") entitled "Image capture unit and computer readable medium used in combination with same," a true copy of which is attached as Exhibit 3.

10. On April 8, 2014, the United States Patent and Trademark Office issued United States Patent No. 8,693,047 ("the `047 Patent") entitled "Image capture unit and computer readable medium used in combination with same," a true copy of which is attached as Exhibit 4.

11. On July 22, 2014, the United States Patent and Trademark Office issued United States Patent No. 8,786,897 ("the `897 Patent") entitled "Image capture unit and computer readable medium used in combination with same," a true copy of which is attached as Exhibit 5.

12. The Asserted Patents were invented by Albert Durr Edgar, Darryl Ray Polk, Michael David Wilkes, Sheppard Parker, and Martin Potucek, and Michael Charles Wilder, all from Central Texas. The original assignee of the Asserted Patents was Image Trends, Inc., of Austin, Texas. Visual Content is the owner by assignment of the Asserted Patents and owns all right, title, and interest in the Asserted Patents, including the right to sue for and recover all past, present, and future damages for infringement of the Asserted Patents.

ACCUSED INSTRUMENTALITIES

13. Dacuda has made, imported, used, offering for sale, and/or sold certain "all-in-one scanner and mouse" devices and associated applications, including the Dacuda PocketScan, the ScanMouse, and any other similar scanners that assemble scanned image tiles into coherent composite images which infringe the Asserted Patents ("the Accused Instrumentalities").

FIRST CLAIM FOR RELIEF
(Infringement of the `965 Patent)

14. Visual Content incorporates paragraphs 1 through 13 as though fully set forth herein.

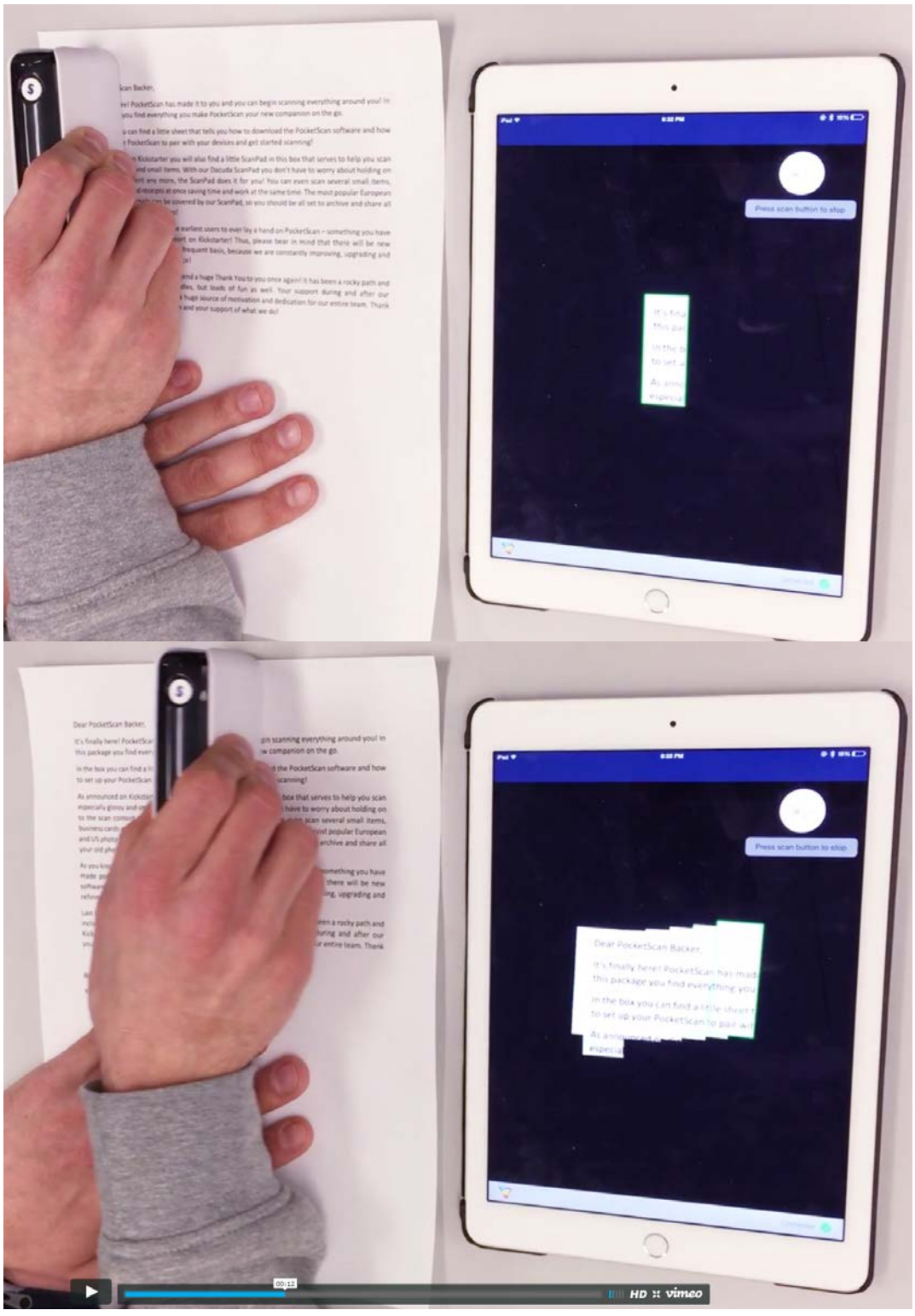
15. Dacuda has been and is now directly and/or indirectly infringing one or more claims of the `965 Patent by (1) making, importing, using, offering for sale, and/or selling the Accused Instrumentalities and/or (2) by actively inducing others to use the Accused Instrumentalities in an infringing manner.

16. More particularly, Dacuda is now directly infringing one or more claims of the `965 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities include the image processing system and perform the method described and claimed in the `965 Patent. The following is a representative description of how the representative PocketScan Accused Instrumentality infringes representative Claim 1 of the `965 Patent. This description is made without benefit of access to the software and schematics describing the Accused Instrumentalities which would allow for greater specificity in identifying the particular features of the Accused Instrumentalities that embody the claimed inventions.

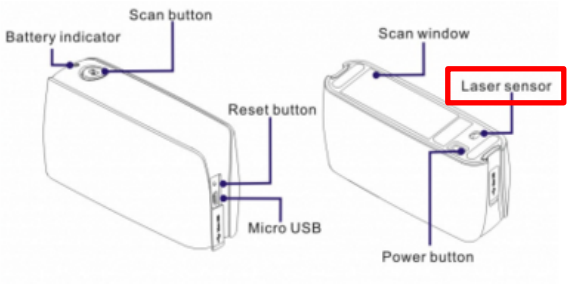
17. The Accused Instrumentalities comprises a scanner system that includes at least one processor, memory coupled to the at least one processor, and instructions accessible from the memory of the processor. For example, Dacuda's website contains the following description of the representative PocketScan Accused Instrumentalities:

http://shop.dacuda.com/collections/bestsellers/products/pocketscan. This description indicates that the PocketScan can recognize text. Image text recognition is typically implemented using a processor using software to control the processor and requires memory in which to store both the scanned image and the recognized text.

18. The instructions associated with the Accused Instrumentalities cause the processor to process sensor data received from a scanner, wherein the sensor data includes a plurality of image tiles and position indicating data defining a respective relative position of each one of the image tiles. For example, the following screen shots from how-to videos show that the representative PocketScan processes image tiles from the image sensor that necessarily have relative position information in order for the whole image to be assembled:



http://dacuda.com/downloadpocketscan. The PocketScan appears to use a laser sensor to track the relative position information:



1. Download the PocketScan software (Use one of the links on the right side of this page.)
2. Remove protective foil from the scan window.
3. Connect PocketScan to your device. (See list of compatible devices)
4. Start your first scan!

Id (red box emphasis added).

19. The plurality of image tiles includes data representing a discrete portion of visual content of a scanned object. As can be seen in the first image of ¶ 18, the images picked up through the "scan window" of the representative PocketScan are discrete portions of the visual content of the scanned document.

20. The instructions associated with the Accused Instrumentalities also cause the processor to display a feedback image derived from the image tile data. As can be seen in the images of ¶ 18, the representative PocketScan processor causes a feedback image to be displayed on the user's device derived from the image tile data obtained by the PocketScan.

21. The display of the feedback image derived from the image tile data includes causing the processor to display the discrete portion of the visual content of each one of the image tiles in a real-time or near real-time manner with respect to each one of the image tiles being generated. As the images shown in ¶ 18 illustrate, the representative PocketScan causes the display of a feedback image as the user moves the PocketScan. This real-time feedback is particularly evident in, for example, the "How to deal with misalignments" video on that same http://dacuda.com/downloadpocketscan webpage.

22. The instructions associated with the Accused Instrumentalities cause the processor to display the discrete portion of the visual content of each one of the image tiles by correlating the relative position of each one of said image tiles in the real-time or near real-time manner with at least one other image tile that has been previously generated and displayed. As the images of ¶ 18 illustrate, the representative PocketScan's instructions cause the display of the various image tiles to be correlated together to form a coherent image of the scanned area as a whole. *See also* the video referenced in ¶ 21.

23. Additionally, the computer-executable instructions of the Accused Instrumentalities are configured for controlling at least one processor to perform the step of processing sensor data received from a scanner, wherein the sensor data includes a plurality of image tiles and position indicating data defining a respective relative position of each one of the image tiles, wherein each one of the image tiles includes data representing a discrete portion of visual content of a scanned object. As the images of ¶ 18 illustrate, the instructions of the representative PocketScan control the processing of sensor data taken from the image sensor and the laser sensor in order to be able to perform the assembly of the complete image.

24. The computer-executable instructions of the Accused Instrumentalities are configured for controlling at least one processor to perform the additional step of displaying a feedback image derived from the image tile data, wherein displaying the feedback image includes displaying the discrete portion of the visual content of each one of said image tiles in a real-time or near real-time manner with respect to each one of the image tiles being generated and wherein displaying the discrete portion of said visual content of each one of the image tiles includes correlating the relative position of each one of the image tiles in the real-time or near real-time manner with at least one other image tile that has been previously generated and

displayed. The instructions of the representative PocketScan device necessarily cause the processor to display the feedback image in real-time as shown in the exemplary second image of ¶ 18. In this exemplar, the current scanned image can be seen being placed in the correlating relative position of the overall image with previously displayed image tiles.

25. In addition, or in the alternative, Dacuda has been and is now indirectly infringing one or more claims of the `965 Patent by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the `965 Patent in violation of 35 U.S.C. § 271(b).

26. Dacuda has been aware of the `965 Patent no later than the service of this complaint upon Dacuda.

27. Dacuda has engaged in indirect infringement by its conduct of providing its infringing Accused Instrumentalities to end users of those products for the purpose of enabling those end users to use the Accused Instrumentalities to directly infringe the `965 Patent. On information and belief, Dacuda has intended, and continues to intend, to induce such patent infringement by end users of its Accused Instrumentalities, and, at least as of the receipt of this complaint, has had knowledge that its inducing acts would cause infringement of the `965 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the `965 Patent. These instructions include the published Dacuda PocketScan Operating Instructions and Instructional Videos available from Dacuda's website.

28. Dacuda's customers purchase the Accused Instrumentalities and, when the customers use the Accused Instrumentalities, the image processing method is performed as described and claimed in the `965 Patent. Thus, Dacuda's customers directly infringe the claimed methods of the `965 Patent by using the Accused Instrumentalities. Because the performance of the claimed image processing method is an essential part of the functionality of the Accused Instrumentalities, the Accused Instrumentalities do not have any substantial uses that do not infringe the `965 Patent. In addition, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the `965 Patent. Theses instructions include the published Dacuda PocketScan Instructions and Instructional Videos available from Dacuda's website. Dacuda is aware that the Accused Instrumentalities perform the claimed image processing method and, therefore, that Dacuda's customers infringe the `965 Patent by using the Accused Instrumentalities.

29. Visual Content has been damaged by Dacuda's infringing activities.

SECOND CLAIM FOR RELIEF
(Infringement of the `947 Patent)

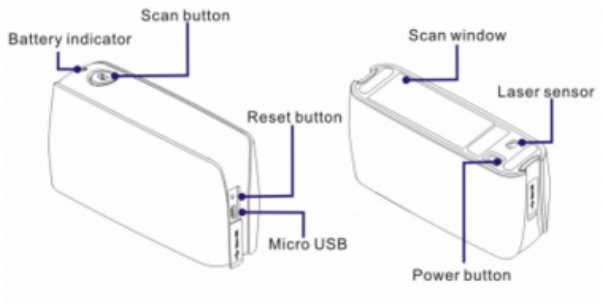
30. Visual Content incorporates paragraphs 1 through 13 as though fully set forth herein.

31. Dacuda has been and is now directly and/or indirectly infringing one or more claims of the `947 Patent by (1) making, importing, using, offering for sale, and/or selling the Accused Instrumentalities and/or (2) by actively inducing others to use the Accused Instrumentalities in an infringing manner.

32. More particularly, without limitation, Dacuda is now directly infringing one or more claims of the `947 Patent by making, importing, using (including use for testing purposes),

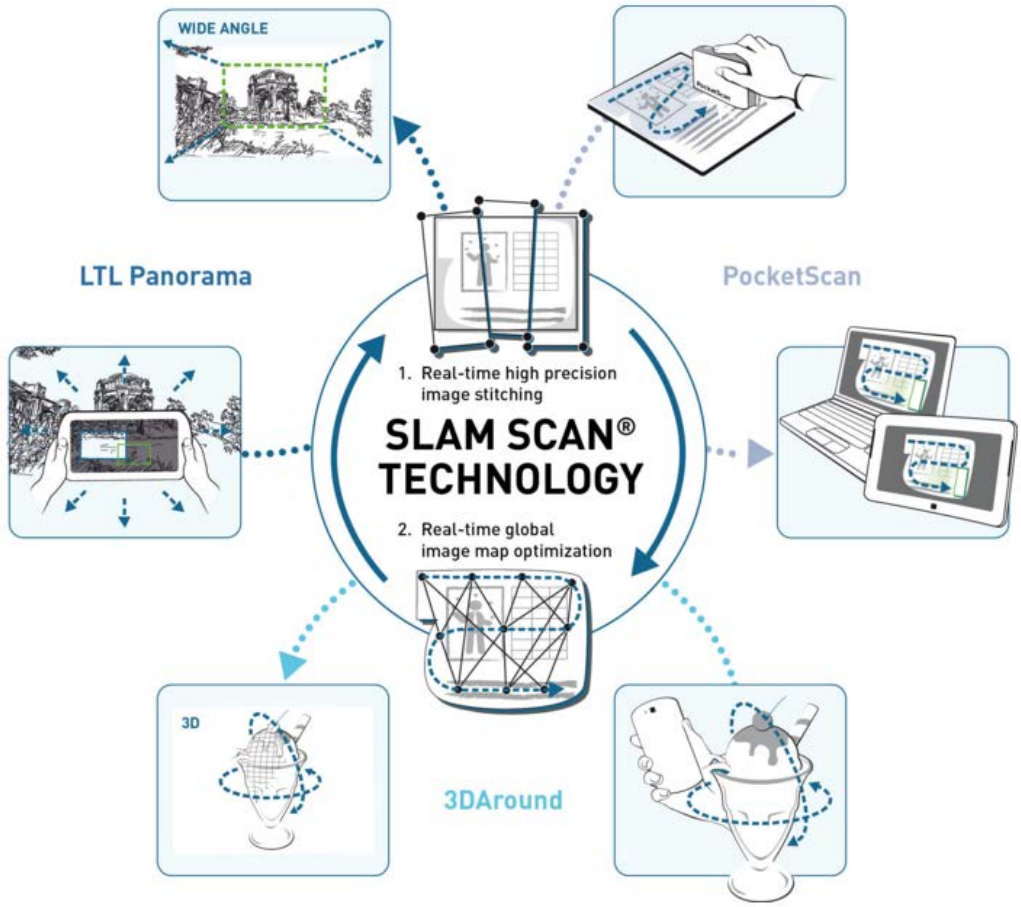
offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities includes the image processing systems described and claimed in the `947 Patent. The following is a representative description of how the representative PocketScan Accused Instrumentality infringes representative Claim 1 of the `947 Patent. This description is made without benefit of access to the software and schematics describing the Accused Instrumentalities which would allow for greater specificity in identifying the particular features of the Accused Instrumentalities that embody the claimed inventions.

33. The Accused Instrumentalities comprises a scanner system that includes a position indicating system configured for generating position indicating data instances, wherein said position indicating data instances each includes data derived from translational movement of the scanner within a reference plane and from rotational movement of the scanner about a rotational axis extending through the reference plane. The representative PocketScan obtains position indicating data which includes data derived from translational movement of the scanner within a reference plane and from rotational movement of the scanner about a rotational axis extending through the reference plane. The following picture illustrates different components of the PocketScan device.



1. Download the PocketScan software (Use one of the links on the right side of this page.)
2. Remove protective foil from the scan window.
3. Connect PocketScan to your device. (See list of compatible devices)
4. Start your first scan!

http://dacuda.com/downloadpocketscan. The representative PocketScan's capability to derive rotational movement of the scanner within a reference plane is described in the following description of the PocketScan's SLAM Scan Technology:



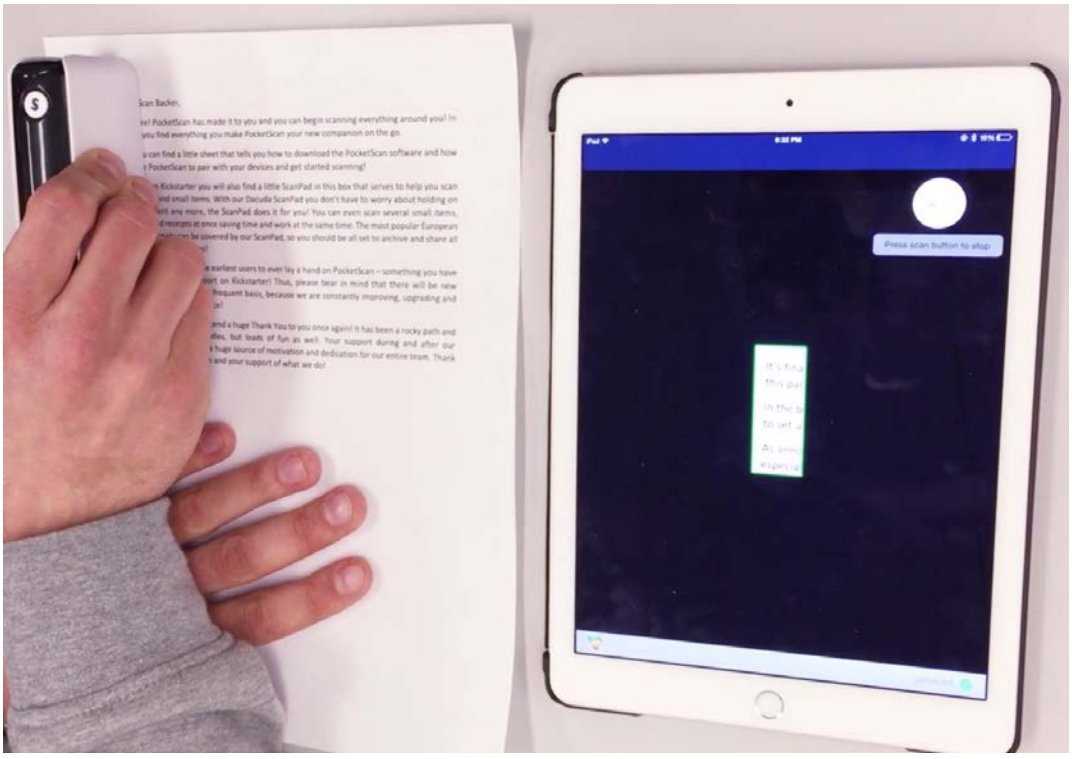
PRODUCTIVITY

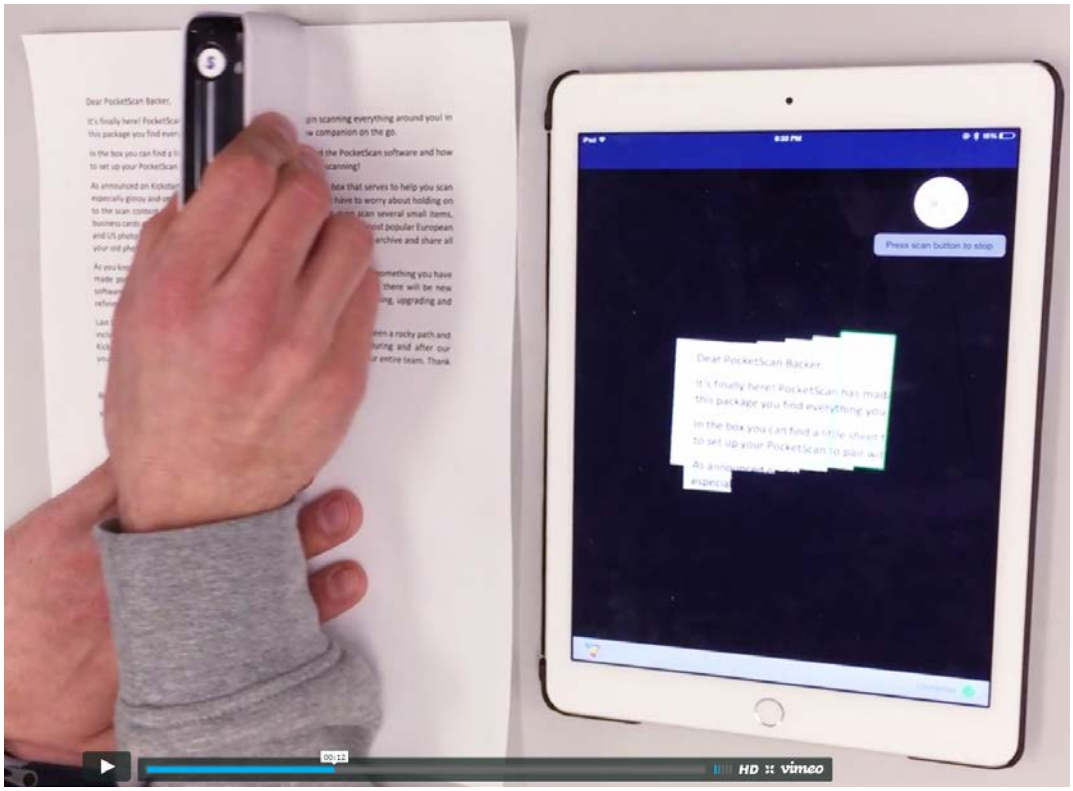
Dacuda's technology also helps you to be more productive. Our SLAM Scan® engine is combined with powerful OCR, enabling instant editing of text and tables as well as scanning of large documents. SLAM Scan® is also available to boost the productivity of mobile device users, simply using the built-in camera to be faster and more accurate than typing. It powers the world's first scanning mouse as well as the Kickstarter sensation - PocketScan.

Learn more about PocketScan!

http://dacuda.com/technology/#technology-how-it-works. As can be seen in this description of the PocketScan's SLAM Scan, the user can rotate the PocketScan (a rotational movement about an axis that extends through the plane of the scan) while scanning and the device maintains the correct image orientation in the resulting scan. Further, the PocketScan is able to assemble a coherent overall image from the numerous small images even when the unit is picked up (a translational movement) as shown in the "How to deal with misalignments" video on the http://dacuda.com/downloadpocketscan webpage.

34. The scanner system of the Accused Instrumentalities also includes an imaging system configured for capturing an image of visual content of a scannable object on which the scanner is being moved. The representative PocketScan's imaging system captures the visual content of the scannable object on which the scanner is being moved as shown in the following pictures in which the scannable object is the document and the visual content is being captured as shown on the screen of the user's device:





http://dacuda.com/downloadpocketscan.

35. The scanner system of the Accused Instrumentalities further includes a data processing arrangement configured for deriving from at least one of said position indicating data instances a position of the scanner at a point in time when said image capturing was one of initiated, completed, and partially completed, wherein deriving the position of the scanner includes interpolating the position of the scanner from at least one of said position indicating data instances generated prior to the point in time when said image capturing was one of initiated, completed, and partially completed and at least one of said position indicating data instances generated after the point in time when said image capturing was one of initiated, completed, and partially completed. For example, the "How to deal with misalignments" video on the http://dacuda.com/downloadpocketscan webpage shows how the scanner can be positioned and repositioned and still generate a coherent composite image which illustrates the

representative PocketScan's capability to start capturing an image and resume capturing if the scanner is repositioned which means that the location within overall image can be determined.

36. In addition, or in the alternative, Dacuda has been and is now indirectly infringing one or more claims of the `947 Patent by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the `947 Patent in violation of 35 U.S.C. § 271(b).

37. Dacuda has been aware of the `947 Patent no later than the service of this complaint upon Dacuda.

38. Dacuda has engaged in indirect infringement by its conduct of providing its infringing Accused Instrumentalities to end users of those products for the purpose of enabling those end users to use the Accused Instrumentalities to directly infringe the `947 Patent. On information and belief, Dacuda has intended, and continues to intend, to induce such patent infringement by end users of its Accused Instrumentalities, and has had knowledge that its inducing acts would cause infringement of the `947 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the `947 Patent. These instructions include the published Dacuda PocketScan Operating Instructions and Instructional Videos available from Dacuda's website.

39. Visual Content has been damaged by Dacuda's infringing activities.

THIRD CLAIM FOR RELIEF
(Infringement of the `588 Patent)

40. Visual Content incorporates paragraphs 1 through 13 as though fully set forth herein.

41. Dacuda has been and is now directly and/or indirectly infringing one or more claims of the `588 Patent by (1) making, importing, using, offering for sale, and/or selling the patented inventions and/or (2) by actively inducing others to use the patented inventions in an infringing manner.

42. More particularly, Dacuda is now directly infringing one or more claims of the `588 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities includes the image processing systems described and claimed in the `588 Patent. The following is a representative description of how the representative PocketScan Accused Instrumentality infringes representative Claim 1 of the `588 Patent. This description is made without benefit of access to the software and schematics describing the Accused Instrumentalities which would allow for greater specificity in identifying the particular features of the Accused Instrumentalities that embody the claimed inventions.

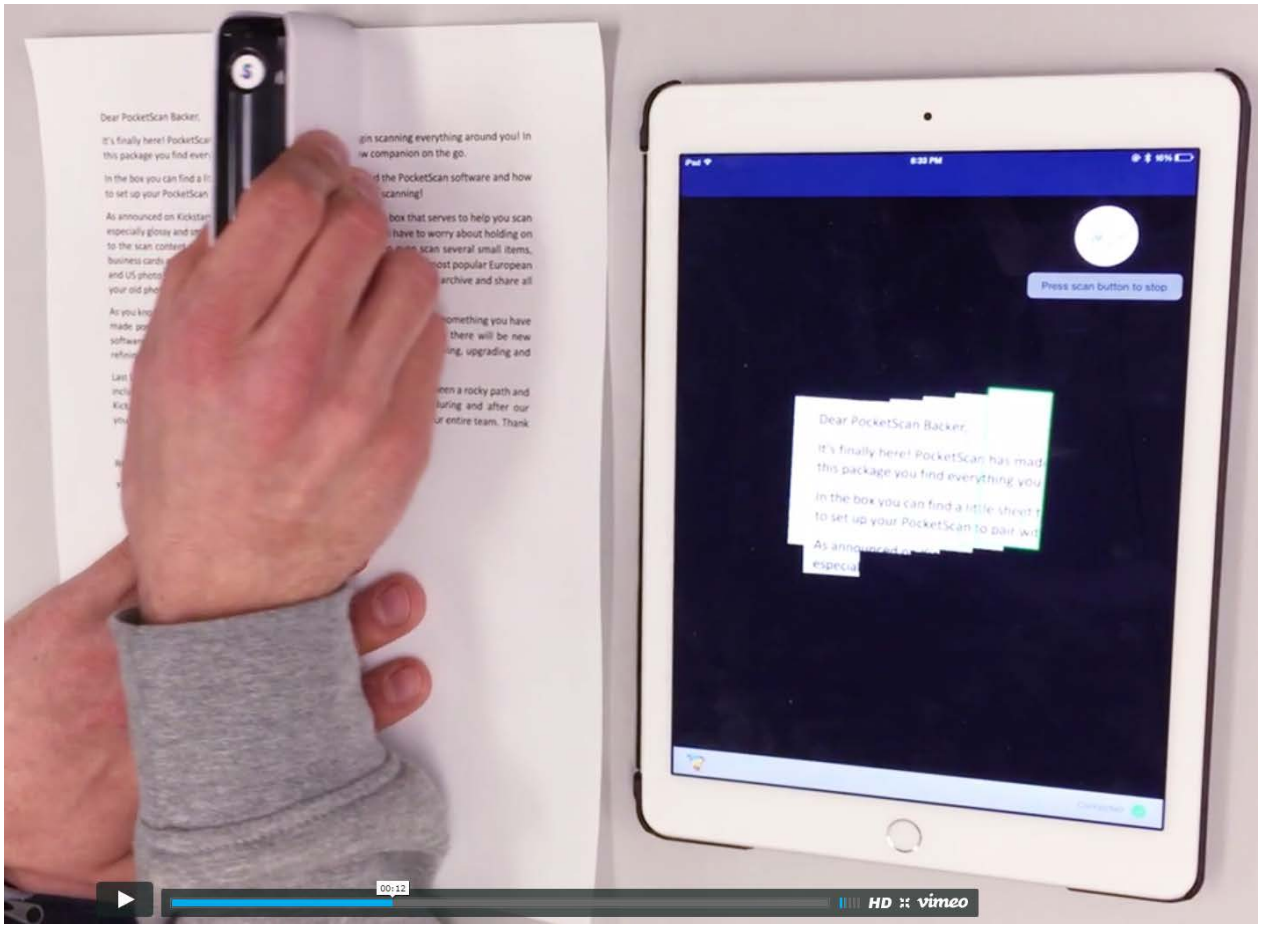
43. The Accused Instrumentalities comprises an image capture unit. For example, the representative PocketScan captures scan images:

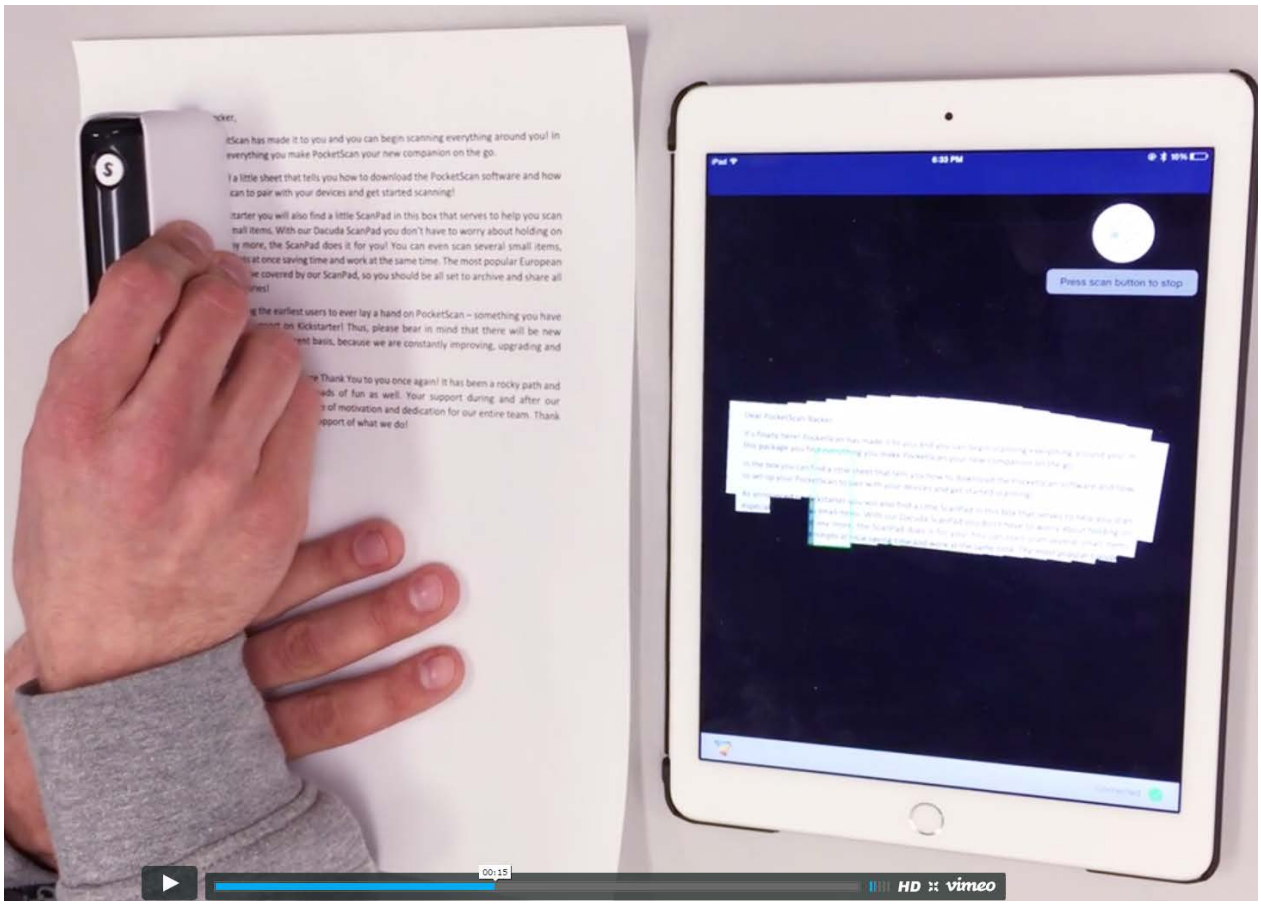
http://shop.dacuda.com/collections/bestsellers/products/pocketscan.

44. The image capture unit of the Accused Instrumentalities includes a position indicating system configured for generating position indicating data instances, wherein said position indicating data instances each includes data derived from translational movement of the image capture unit and from rotational movement of the image capture unit. For example, the representative PocketScan must capture position indicating data instance derived from translational movement of the image capture unit and from rotational movement of the image capture unit because the PocketScan is able to assemble a coherent overall image from the numerous small images even when the unit is picked up and/or turned rotationally as shown in

the "How to deal with misalignments" video on the http://dacuda.com/downloadpocketscan webpage.

45. The image capture unit of the Accused Instrumentalities includes an imaging system configured for capturing an image of visual content. For example, the representative PocketScan captures images of visual content as shown in the following screenshots:

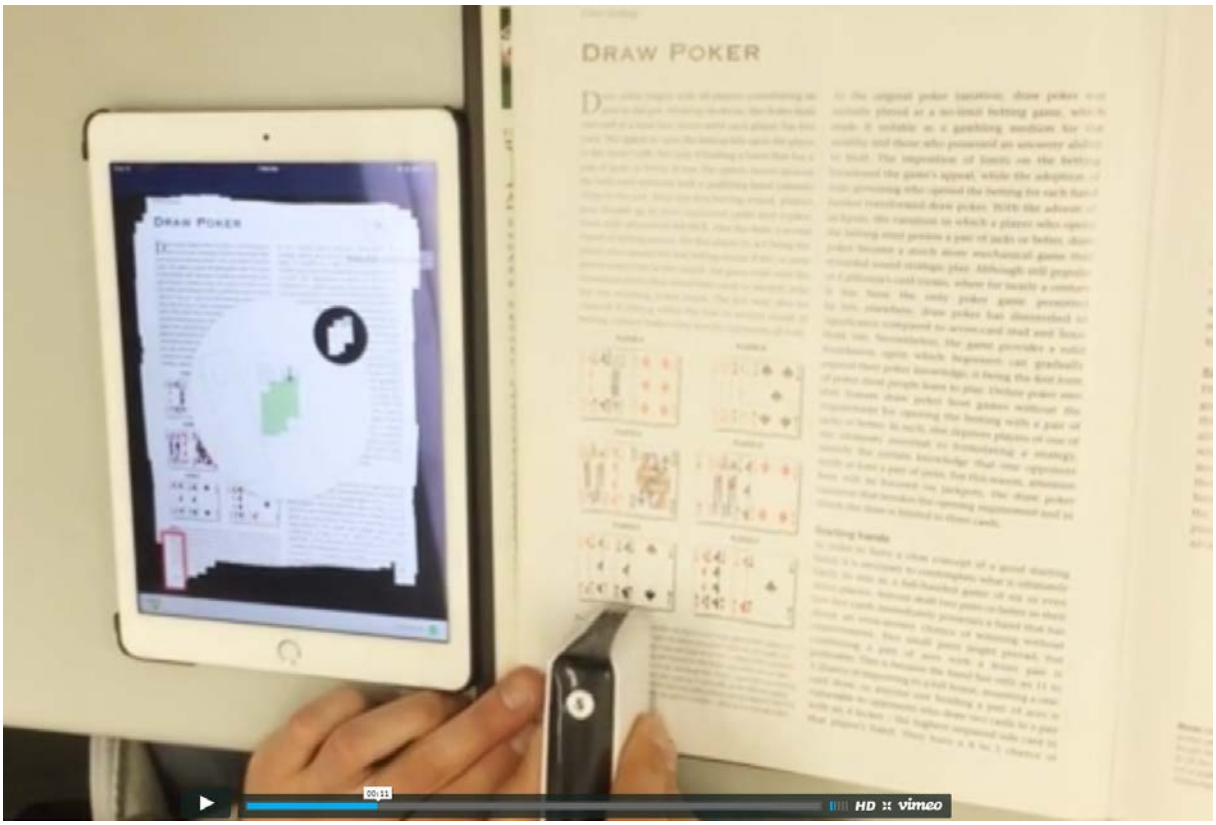




http://dacuda.com/downloadpocketscan (How to achieve the best scanning results).

46. The image capture unit of the Accused Instrumentalities includes a data processing arrangement configured for deriving from at least one of said position indicating data instances a position of the image capture unit at a point in time when a captured image data instance was one of initiated, completed, and partially completed, wherein deriving the position of the image capture unit includes interpolating the position of the image capture unit from at least one of said position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, and partially completed and at least one of said position indicating data instances generated after the point in time when the captured image data instance was one of initiated, completed, and partially completed. For example, the representative Pocket Scan derives its position by interpolating the position of the

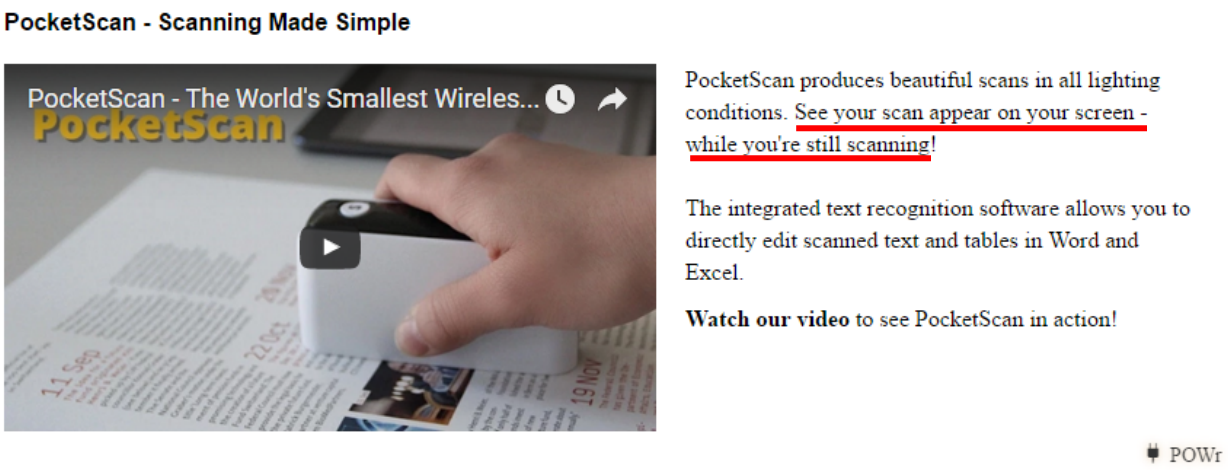
image capture unit from at least one of the position indicating data instances generated prior to the point in time when a captured image data instance is either initiated, completed, or partially completed. Image capturing is "initiated," for example, when a user presses the "Smart Scan" button on the left side of the mouse (Step 1 below). An captured image data instance is "partially completed," for example, during the period of time in which the user moves the PocketScan side to side to scan the desired area of the document (Step 2 below). A captured image data instance is "competed," for example, when the user presses the "Smart Scan" button again, or when the available memory bar fills completely. As a user scans an area with the representative PocketScan, the PocketScan software updates a display indicating the current position of the scanner (delineated by the Scan Window). As such, the representative PocketScan software necessarily determines the position of the scanner. The PocketScan software derives the position of the scanner from data generated by one or more sensors included in the PocketScan.



http://dacuda.com/downloadpocketscan (**How to scan edges**: "Sometimes, scanning edges causes the software to go into lift-off mode because the laser sensor on the bottom loses contact with the surface."). The Dacuda PocketScan derives the position of the image capture unit by interpolating the position of the image capture unit from at least one of:

1) the position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, or partially completed; and

2) the position indicating data instances generated after a point in time when the captured image data was one of initiated, completed, or partially completed (for example, after the user has pressed the scan button to initiate scanning but prior to the user pressing the scan button a second time to end scanning).



http://shop.dacuda.com/collections/bestsellers/products/pocketscan. *See also*¸ the images of ¶ 45 above showing the document appearing as the individual images are assembled as the scan occurs.

47. In addition, Dacuda has been and is now indirectly infringing one or more claims of the `588 Patent by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the `588 Patent in violation of 35 U.S.C. § 271(b).

48. Dacuda has been aware of the `588 Patent no later than the service of this complaint upon Dacuda.

49. Dacuda has engaged in indirect infringement by its conduct of providing its infringing Accused Instrumentalities to end users of those products for the purpose of enabling those end users to use the Accused Instrumentalities to directly infringe the `588 Patent. On information and belief, Dacuda has intended, and continues to intend, to induce such patent infringement by end users of its Accused Instrumentalities, and has had knowledge that its inducing acts would cause infringement of the `588 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the `588

Patent. These instructions include the published Dacuda PocketScan Operating Instructions and Instructional Videos available from Dacuda's website.

50. Visual Content has been damaged by Dacuda's infringing activities.

FOURTH CLAIM FOR RELIEF
(Infringement of the `047 Patent)

51. Visual Content incorporates paragraphs 1 through 13 as though fully set forth herein.

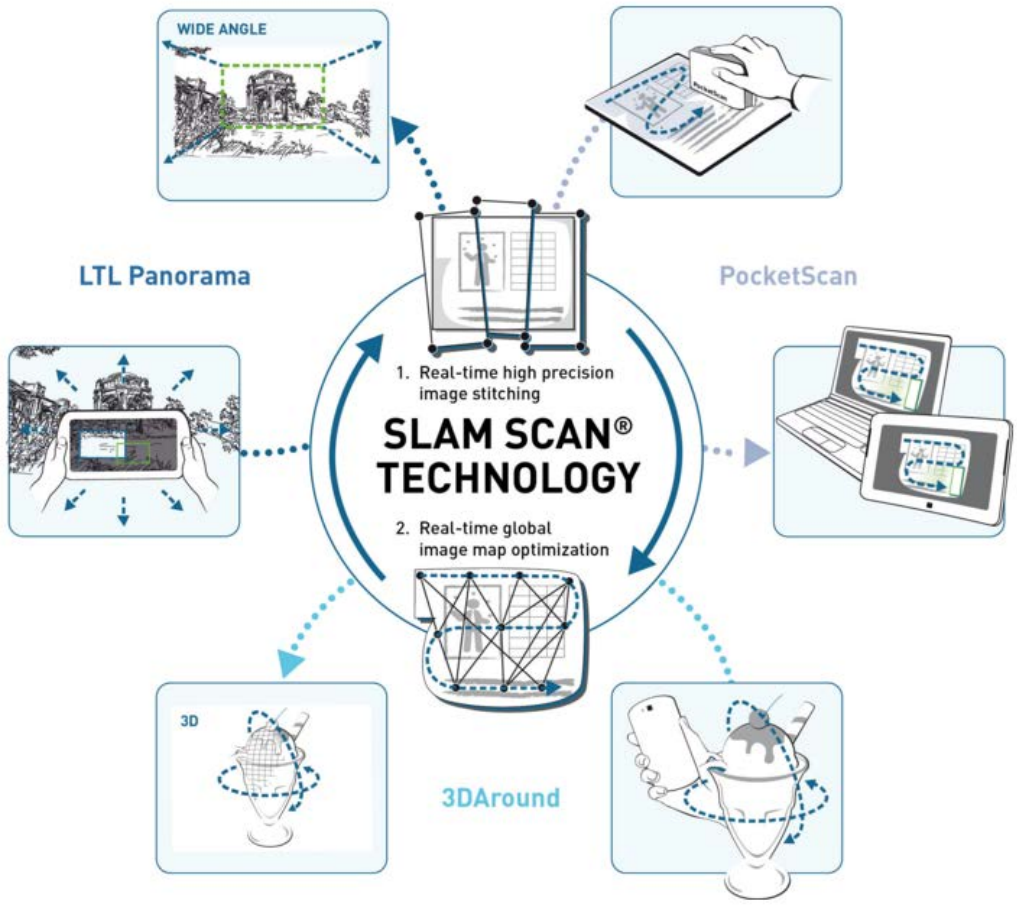
52. Dacuda has been and is now directly and/or indirectly infringing one or more claims of the `047 Patent by (1) making, importing, using, offering for sale, and/or selling the Accused Instrumentalities and/or (2) by actively inducing others to use the Accused Instrumentalities in an infringing manner.

53. More particularly, Dacuda is now directly infringing one or more claims of the `047 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities includes the image capture units described and claimed in the `047 Patent. The following is a representative description of how the representative PocketScan Accused Instrumentality infringes representative Claim 1 of the `047 Patent. This description is made without benefit of access to the software and schematics describing the Accused Instrumentalities which would allow for greater specificity in identifying the particular features of the Accused Instrumentalities that embody the claimed inventions.

54. The Accused Instrumentalities comprise an image capture unit. For example, the representative PocketScan can "SCAN ANYTHING, ANYTIME:"

http://shop.dacuda.com/collections/bestsellers/products/pocketscan. Scanning necessarily requires capturing images.

55. The image capture unit of the Accused Instrumentalities includes means for generating position indicating data instances, wherein said position indicating data instances each includes data derived from translational movement of the image capture unit and from rotational movement of the image capture unit. For example, the representative PocketScan derives position indicating data instances which includes data derived from translational movement of the scanner and from rotational movement of the scanner. . The representative PocketScan's capability to derive rotational movement of the scanner within a reference plane is described in the following description of the PocketScan's SLAM Scan Technology:



PRODUCTIVITY

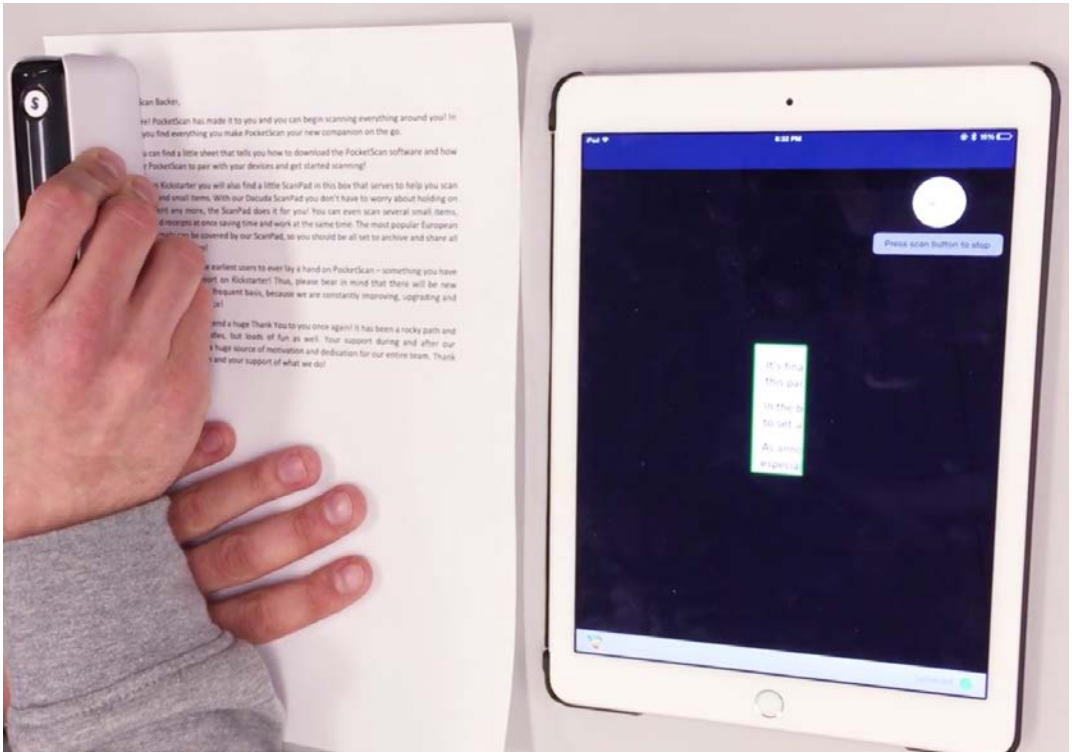
Dacuda's technology also helps you to be more productive. Our SLAM Scan® engine is combined with powerful OCR, enabling instant editing of text and tables as well as scanning of large documents. SLAM Scan® is also available to boost the productivity of mobile device users, simply using the built-in camera to be faster and more accurate than typing. It powers the world's first scanning mouse as well as the Kickstarter sensation - PocketScan.

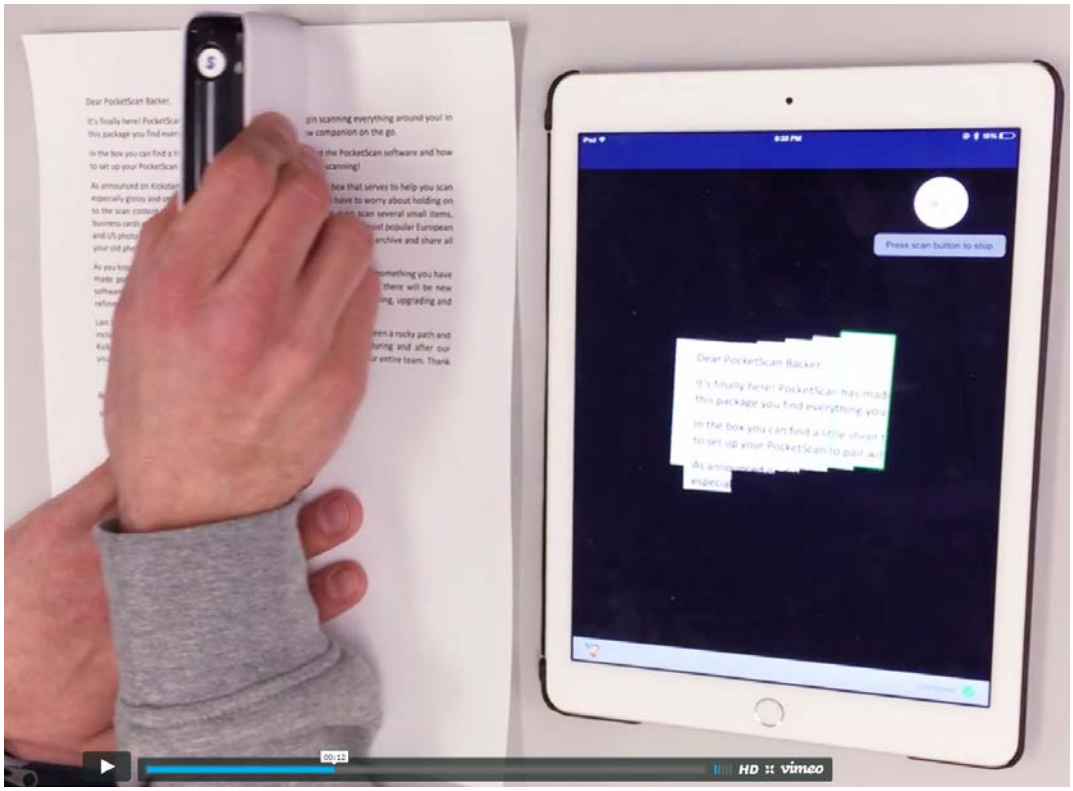
Learn more about PocketScan!

http://dacuda.com/technology/#technology-how-it-works. As can be seen in this description of the PocketScan's SLAM Scan, the user can rotate the PocketScan (a rotational movement about an axis that extends through the plane of the scan) while scanning and the device maintains the correct image orientation in the resulting scan. Further, the PocketScan is able to assemble a

coherent overall image from the numerous small images even when the unit is picked up (a translational movement) as shown in the "How to deal with misalignments" video on the http://dacuda.com/downloadpocketscan webpage.

56. The image capture unit of the Accused Instrumentalities include means for capturing an image of visual content. The representative PocketScan's imaging system captures the visual content of the scannable object on which the scanner is being moved as shown in the following pictures in which the scannable object is the document and the visual content is being captured as shown on the screen of the user's device:

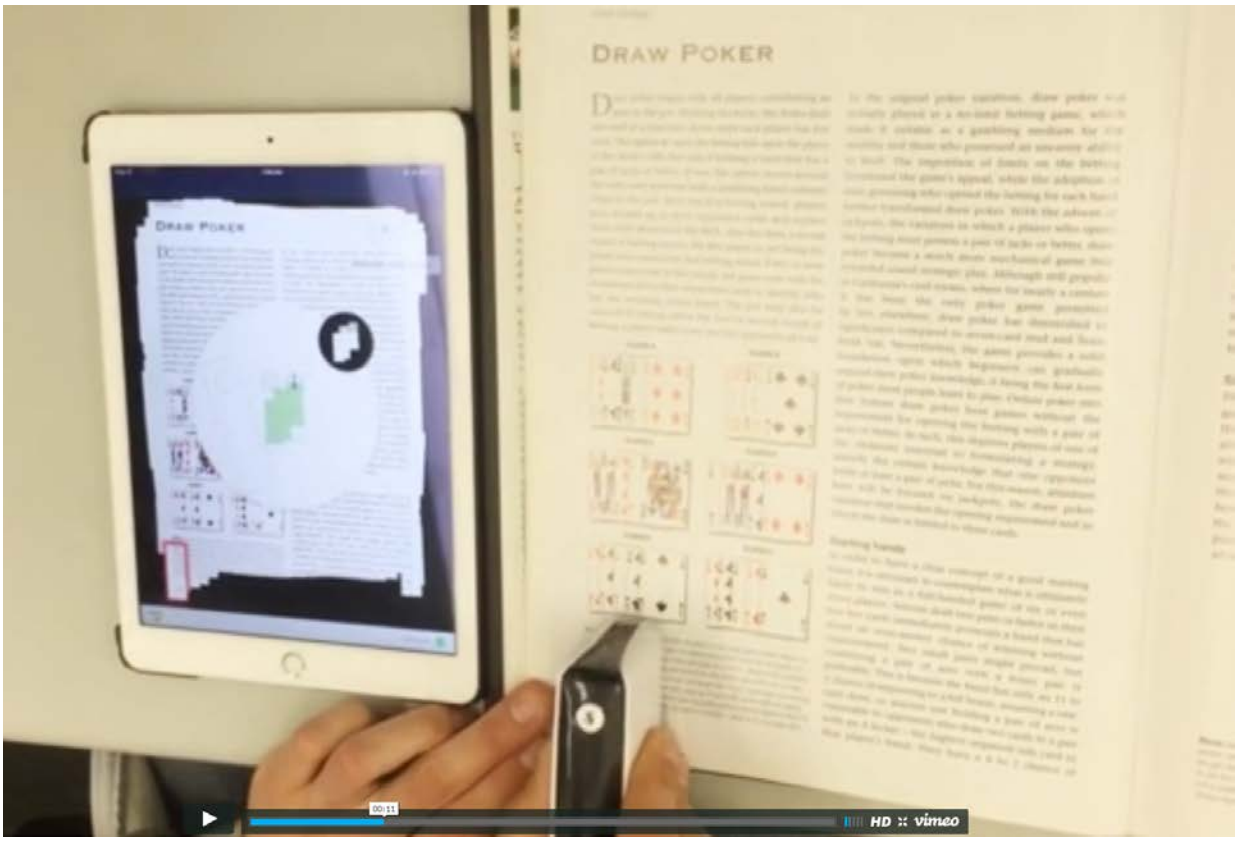




http://dacuda.com/downloadpocketscan.

57. The image capture unit of the Accused Instrumentalities includes means for deriving from at least one of said position indicating data instances a position of the image capture unit at a point in time when a captured image data instance was one of initiated, completed, and partially completed, wherein deriving the position of the image capture unit includes interpolating the position of the image capture unit from at least one of said position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, and partially completed and at least one of said position indicating data instances generated after the point in time when the captured image data instance was one of initiated, completed, and partially completed. For example, the representative Pocket Scan derives its position by interpolating the position of the image capture unit from at least one of the position indicating data instances generated prior to the point in time when a captured

image data instance is either initiated, completed, or partially completed. Image capturing is "initiated," for example, when a user presses the "Smart Scan" button on the left side of the mouse (Step 1 below). An captured image data instance is "partially completed," for example, during the period of time in which the user moves the PocketScan side to side to scan the desired area of the document (Step 2 below). A captured image data instance is "competed," for example, when the user presses the "Smart Scan" button again, or when the available memory bar fills completely. As a user scans an area with the representative PocketScan, the PocketScan software updates a display indicating the current position of the scanner (delineated by the Scan Window). As such, the representative PocketScan software necessarily determines the position of the scanner. The PocketScan software derives the position of the scanner from data generated by one or more sensors included in the PocketScan.



http://dacuda.com/downloadpocketscan (**How to scan edges**: "Sometimes, scanning edges causes the software to go into lift-off mode because the laser sensor on the bottom loses contact with the surface."). The Dacuda PocketScan derives the position of the image capture unit by interpolating the position of the image capture unit from at least one of:

1) the position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, or partially completed; and

2) the position indicating data instances generated after a point in time when the captured image data was one of initiated, completed, or partially completed (for example, after the user has pressed the scan button to initiate scanning but prior to the user pressing the scan button a second time to end scanning).

PocketScan - Scanning Made Simple

PocketScan produces beautiful scans in all lighting conditions. See your scan appear on your screen - while you're still scanning!

The integrated text recognition software allows you to directly edit scanned text and tables in Word and Excel.

Watch our video to see PocketScan in action!

POWr

http://shop.dacuda.com/collections/bestsellers/products/pocketscan.

58. In addition, Dacuda has been and is now indirectly infringing one or more claims of the `047 Patent by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the `047 Patent in violation of 35 U.S.C. § 271(b).

59. Dacuda has been aware of the `047 Patent no later than the service of this complaint upon Dacuda.

60. Dacuda has engaged in indirect infringement by its conduct of providing its infringing Accused Instrumentalities to end users of those products for the purpose of enabling

those end users to use the Accused Instrumentalities to directly infringe the `047 Patent. On information and belief, Dacuda has intended, and continues to intend, to induce such patent infringement by end users of its Accused Instrumentalities, and has had knowledge that its inducing acts would cause infringement of the `047 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the `588 Patent. These instructions include the published Dacuda PocketScan Operating Instructions and Instructional Videos available from Dacuda's website.

61. Visual Content has been damaged by Dacuda's infringing activities.

FIFTH CLAIM FOR RELIEF
(Infringement of the `897 Patent)

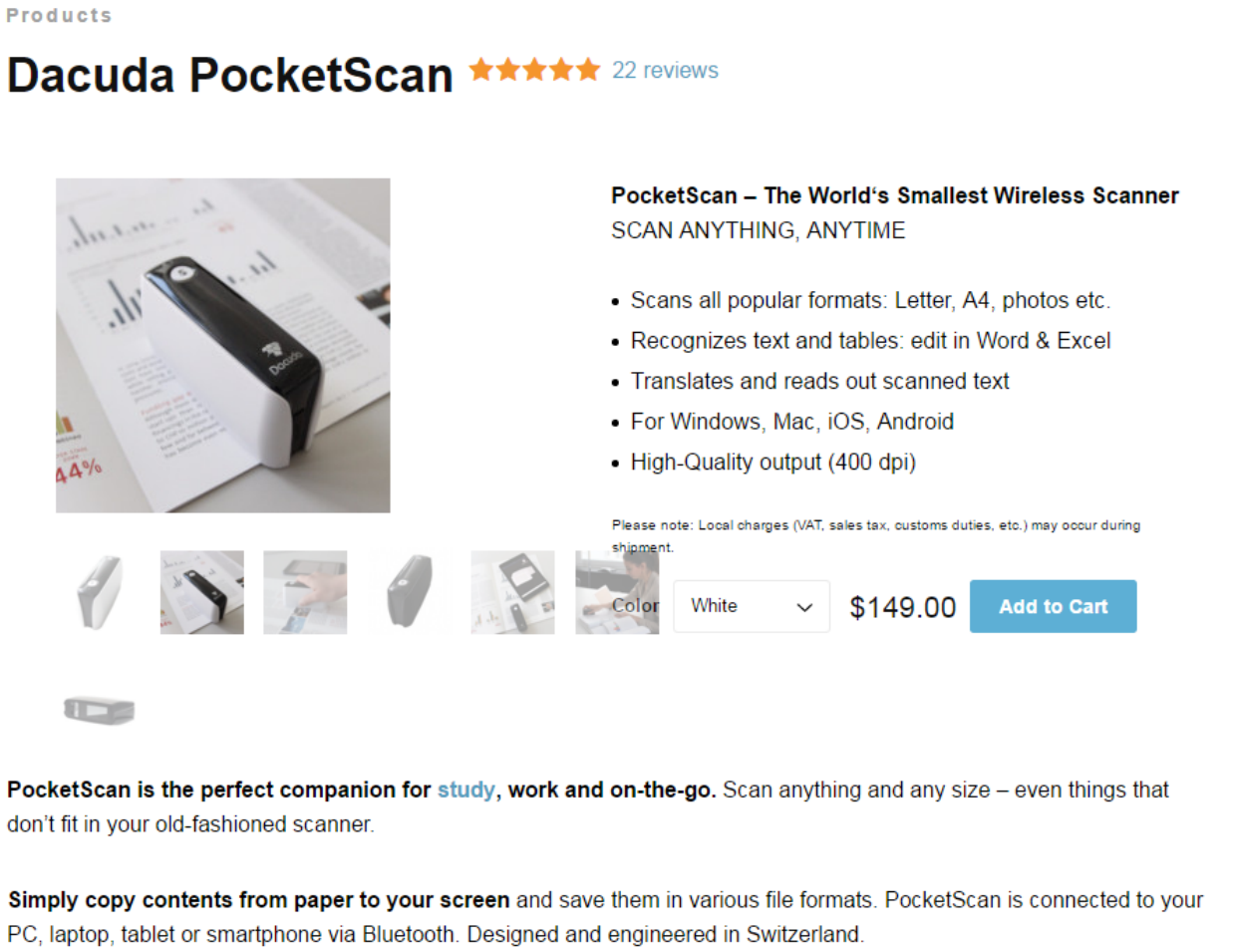
62. Visual Content incorporates paragraphs 1 through 13 as though fully set forth herein.

63. Dacuda has been and is now directly and/or indirectly infringing one or more claims of the `897 Patent by (1) making, importing, using, offering for sale, and/or selling the Accused Instrumentalities and/or (2) by actively inducing others to use the Accused Instrumentalities in an infringing manner.

64. More particularly, Dacuda is now directly infringing one or more claims of the `897 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities includes the image processing systems described and claimed in the `897 Patent. The following is a representative description of how the representative PocketScan Accused Instrumentality infringes representative Claim 1 of the `897 Patent. This description is

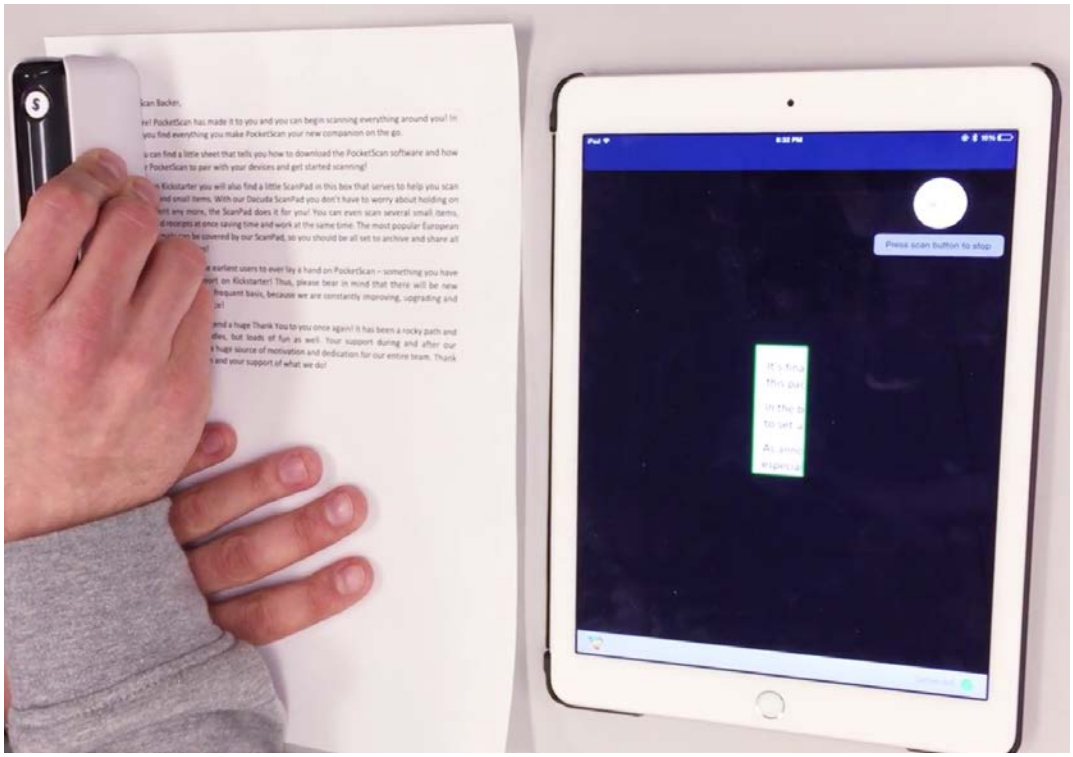
made without benefit of access to the software and schematics describing the Accused Instrumentalities which would allow for greater specificity in identifying the particular features of the Accused Instrumentalities that embody the claimed inventions.

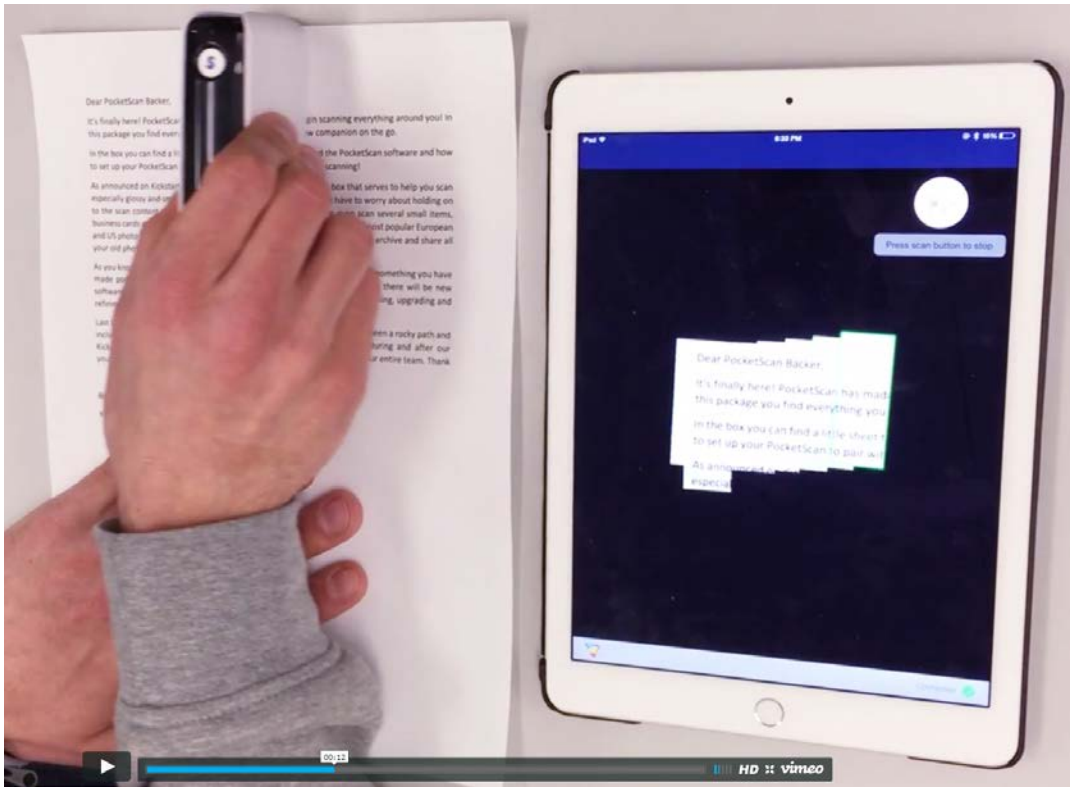
65. The Accused Instrumentalities comprises a non-transitory computer-readable medium having computer-executable instructions accessible therefrom, said computer-executable instructions configured for controlling at least one processor to perform a method of processing information generated by an image capture unit. In order for the representative PocketScan to scan as described in the image below, the PocketScan must have computer-executable instructions for processing information generated by an image capture unit:



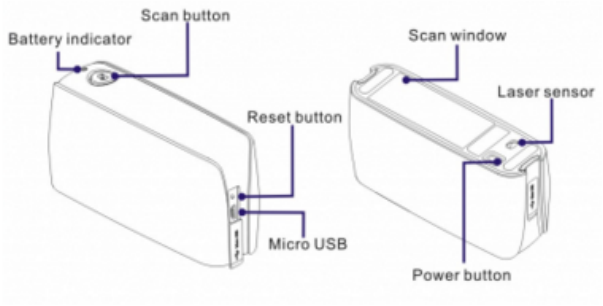
http://shop.dacuda.com/collections/bestsellers/products/pocketscan.

66. The computer-executable instructions comprise operations for processing sensor data received from the image capture unit, wherein said sensor data includes a plurality of image tiles and position indicating data defining a relative position of a respective one of said image tiles, wherein at least a portion of said image tiles includes data representing a discrete portion of visual content. For example, the representative PocketScan assembles multiple scan images into a coherent composite image as shown here:





http://dacuda.com/downloadpocketscan. The PocketScan has a laser sensor used in conjunction with the image sensor to obtain position data as shown here:



1. Download the PocketScan software (Use one of the links on the right side of this page.)
2. Remove protective foil from the scan window.
3. Connect PocketScan to your device. (See list of compatible devices)
4. Start your first scan!

http://dacuda.com/downloadpocketscan.

67. The computer-executable instructions comprise operations for displaying a feedback image derived using said data representing the discrete portion of said visual content of at least a portion of said image tiles, wherein displaying the feedback image includes displaying

the discrete portion of said visual content of at least a portion of said image tiles in response to at least a portion of said image tiles being generated and wherein displaying the discrete portion of said visual content includes correlating the relative position of a particular one of said image tiles with at least one other image tile that has been previously generated and displayed. As can be seen in the images of ¶ 66, the representative PocketScan has instructions that cause the display of a feedback image derived from the discrete portions of the visual content of at least a portion of the individual image tiles. In particular, in the second image, the separate image tiles can be seen to overlap in the feedback image and only the non-overlapping portions are displayed separately from earlier image tiles. The visual content in these exemplary images has been correlated to the relative position of the different image tiles to form a coherent composite image.

68. In addition, Dacuda has been and is now indirectly infringing one or more claims of the `897 Patent by inducing customers to use the Accused Instrumentalities to directly infringe one or more claims of the `897 Patent in violation of 35 U.S.C. § 271(b).

69. Dacuda has been aware of the `897 Patent no later than the service of this complaint upon Dacuda.

70. Dacuda has engaged in indirect infringement by its conduct of providing its infringing Accused Instrumentalities to end users of those products for the purpose of enabling those end users to use the Accused Instrumentalities to directly infringe the `897 Patent. On information and belief, Dacuda has intended, and continues to intend, to induce such patent infringement by end users of its Accused Instrumentalities, and has had knowledge that its inducing acts would cause infringement of the `897 Patent or has been willfully blind to the possibility that its inducing acts would cause direct infringement of the patent. For example, Dacuda provides instructions to end users of its Accused Instrumentalities instructing the end

users how to use the Accused Instrumentalities in a manner which directly infringes the `897 Patent. These instructions include the published Dacuda PocketScan Operating Instructions and Instructional Videos available from Dacuda's website.

71. Visual Content has been damaged by Dacuda's infringing activities.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Visual Content hereby demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Visual Content requests the following relief:

(a) A judgment in favor of Visual Content that Dacuda has directly infringed and/or has indirectly infringed by way of inducement of one or more claims of the Asserted Patents;

(b) A judgment that Visual Content has been irreparably harmed by the infringing activities of Dacuda, and is likely to continue to be irreparably harmed by Dacuda's continued infringement;

(c) A judgment and order requiring Dacuda to pay Visual Content damages adequate to compensate for infringement under 35 U.S.C. § 284, and in no event shall be less than a reasonable royalty for its usage made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements;

(d) A judgment awarding Visual Content its costs as provided under FED. R. CIV. P. 54(d)(1);

(e) A judgment for pre- and post-judgment interest on all damages awarded;

(f) A judgment awarding Visual Content post-judgment royalties; and

(g) Any and all such further necessary or proper relief as this Court may deem just and equitable.

Dated: October 31, 2016

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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