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12 Attorneys for Plaintiff ALPHA MODUS, CORP.

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 ALPHA MODUS, CORP.,  
17 Plaintiff,  
18 v.  
19 STRATACACHE, INC.,  
20 Defendant.  
21

Case No. 2:25-cv-11234

**PLAINTIFF ALPHA MODUS,  
CORP'S ORIGINAL COMPLAINT  
FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

22  
23 Plaintiff Alpha Modus, Corp. (“Alpha Modus” or “Plaintiff”) files this  
24 Complaint for Patent Infringement and Demand for Jury Trial against Stratacache, Inc.  
25 (“Stratacache” or “Defendant”) for infringement of United States Patent Nos.  
26 11,049,120 (the “’120 Patent”), 11,301,880 (“the ’880 Patent”), 11,042,890 (the “’890  
27 Patent”), 12,039,550 (the “’550 Patent”), 12,026,731 (the “’731 Patent”), 12,354,121  
28

1 (the “121 Patent”), and 12,423,718 (the “718 Patent”) (collectively the “Patents-in-  
2 Suit”).

3 **THE PARTIES**

4 1. Alpha Modus is a corporation organized and existing under the laws of  
5 Florida and located at 20311 Chartwell Center Dr., Suite 1469, Cornelius, North  
6 Carolina 28031.

7 2. Upon information and belief, Defendant Stratacache, Inc. is a corporation  
8 organized and existing under the laws of Ohio with a principal place of business located  
9 at 40 N. Main Street, Dayton, Ohio 45423 and may be served in the State of California  
10 through its registered agents at CT Corporation System, 330 N. Brand Blvd., Glendale,  
11 California 91203.

12 **JURISDICTION AND VENUE**

13 3. This is an action for patent infringement arising under the patent laws of  
14 the United States, Title 35, United States Code, including 35 U.S.C. §§ 154, 271, 281,  
15 and 283-285.

16 4. This Court has exclusive subject matter jurisdiction over this case for  
17 patent infringement under 28 U.S.C. §§ 1331 and 1338.

18 5. This Court has personal jurisdiction over Stratacache at least because  
19 Stratacache maintains an office in Los Angeles, CA, and engages in continuous and  
20 systematic business activities within this District, including conduct giving rise to this  
21 action.

22 6. Stratacache has conducted and does conduct business within the State of  
23 California.

24 7. Stratacache has committed, and continues to commit, acts of infringement  
25 in this District, has conducted business in this District, and/or has engaged in  
26 continuous and systematic activities in this District.

27 8. This Court has personal jurisdiction over Stratacache at least because  
28 Stratacache has made, used, offered to sell, sold, or put into service the accused



1 <https://stratacache.com/en/company/>;

2 <https://www.indeed.com/viewjob?jk=dfa57a5d6c1c069a>.

3 12. Stratacache has transacted business in this District, and has committed  
4 acts of direct and indirect infringement in this District

5 **ALPHA MODUS’S INNOVATION IN RETAIL TECHNOLOGY**

6 13. Alpha Modus Corp. specializes in the development of innovative retail  
7 technologies.

8 14. At the core of Alpha Modus’s technology portfolio, including the Asserted  
9 Patents, is the capability to analyze consumer behavior and product interaction in real-  
10 time. This advanced capability allows businesses to dynamically adjust their marketing  
11 strategies to meet the immediate needs of consumers at pivotal purchasing decision  
12 moments.

13 15. Alpha Modus, in an effort to ensure transparency and accessibility,  
14 maintains a comprehensive presentation of its patent portfolio on its official company  
15 website, available at <https://alphamodus.com/what-we-do/patent-portfolio/>. The patent  
16 portfolio provided on Alpha Modus’s website lists the Asserted Patents.

17 16. Alpha Modus has entered into several intellectual property licensing  
18 agreements outside of litigation. These agreements are indicative of Alpha Modus’s  
19 commitment to legally disseminating its patented technology.

20  
21 **THE ’120 PATENT**

22 17. Alpha Modus is the owner by assignment from the inventors, Michael  
23 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
24 11,049,120 (the “’120 Patent”) titled “Method And System For Generating A Layout  
25 For Placement Of Products In A Retail Store,” including the right to sue for all past,  
26 present, and future infringement. A true and correct copy of the ’120 Patent is attached  
27 to this Complaint at Exhibit A.

28 18. The ’120 Patent issued from U.S. Patent Application No. 16/837,577 filed

1 on April 1, 2020, which in turn is a continuation of application No. 14/335,429, filed  
2 on Jul. 18, 2014.

3 19. The Patent Office issued the '120 Patent on June 29, 2021, after a full and  
4 fair examination.

5 20. The '120 Patent is valid and enforceable.

6 21. The '120 Patent introduces a novel system for tracking customer  
7 movement and for optimizing the layout of products provided within a retail store  
8 setting.

9 22. The '120 Patent addresses the emerging challenges in the retail sector,  
10 particularly for brick-and-mortar stores, in the context of monitoring and analyzing  
11 consumer behavior in the retail store in order to better optimize the layout of product  
12 available within the store using that information and analysis thereof. The patent  
13 provides innovative solutions to enhance in-store customer experiences and counter the  
14 competitive pressures from online retail.

15 23. The inventors of the '120 Patent recognized the need for brick-and-mortar  
16 retailers to adapt to the changing consumer behavior in order to better optimize the  
17 layout of products within the retail store using behavior information from consumers.  
18 The patent offers a solution by integrating technology to analyze customer interactions  
19 with products in real-time, providing updated store layout suggestions by analyzing  
20 that information in order to enhance realized purchases and revenues from shoppers.

21 24. The '120 Patent provides several advancements over previous methods,  
22 such as real-time analysis of customer traffic within the store as well as customers'  
23 interactions with products, and utilizing this data to improve the layout of products  
24 available in the store.

25 25. The '120 Patent describes and claims a specific system incorporating  
26 servers, video imaging devices such as cameras, and information monitoring devices  
27 to monitor customer movement and generate improved store layouts utilizing data  
28 analysis.

1 26. Claim 1 of the '120 Patent reads:

2 1. A method comprising:

3 (a) using one or more information monitoring devices to gather  
4 information about shopping activities of a plurality of persons at a  
5 retail store, wherein

6 (i) the retail store has a first layout of products within and about  
7 the retail store,

8 (ii) persons in the plurality of persons are in proximity to at least  
9 one of the one or more information monitoring devices at the  
10 retail store,

11 (iii) the one or more information monitoring devices are operably  
12 connected to (A) a server, (B) one or more databases, or (C)  
13 both,

14 (iv) the one or more information monitoring devices comprise one  
15 or more video image devices,

16 (v) the step of gathering information using the one or more  
17 information monitoring devices comprises

18 (A) gathering traffic information of the persons within and  
19 about the retail store, wherein the traffic information  
20 comprises (I) tracking movement of the persons relative  
21 to the one or more information monitoring devices, (II)  
22 identification of one or more stops that the persons make  
23 within and about the retail store, and (III) tracking  
24 position and duration of stop of the persons for each of  
25 the one or more stops,

26 (B) gathering product interaction information based upon  
27 type of interactions the persons had with one or more  
28 products in the retail store, wherein the type of product

- 1 interactions are selected from a group consisting of (I)  
2 the one or more products are viewed by the persons at  
3 each of the one or more stops, (II) the one or more  
4 products are picked up by the persons at each of the one  
5 or more stops, (III) the one or more products are carried  
6 away by the persons at each of the stops, and (IV)  
7 combinations thereof, and  
8 (C) gathering object identification information of the one or  
9 more products that the persons interacted with during the  
10 product interactions;
- 11 (b) analyzing the information gathered by the information monitoring  
12 devices about the shopping activities of the plurality of persons to  
13 generate a layout analysis, wherein the analyzed information  
14 comprises the tracking information, the product interaction  
15 information, and the object identification information; and  
16 (c) utilizing the layout analysis to modify the first layout to generate a  
17 second layout of the products within and about the retail store.

### 18 **THE '880 PATENT**

19  
20 27. Alpha Modus is the owner by assignment from the inventors, Michael  
21 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
22 11,301,880 (the "'880 Patent") titled "Method And System For Inventory Management  
23 In A Retail Store," including the right to sue for all past, present, and future  
24 infringement. A true and correct copy of the '880 Patent is attached to this Complaint  
25 at Exhibit B.

26 28. The '880 Patent issued from U.S. Patent Application No. 16/837,645 filed  
27 on April 1, 2020.

28 29. The '880 Patent is a continuation of application No. 16/509,343, filed on

1 Jul. 11, 2019, which in turn is a continuation of application No. 14/335,429, filed on  
2 Jul. 18, 2014.

3 30. The Patent Office issued the '880 Patent on April 12, 2022, after a full and  
4 fair examination.

5 31. The '880 Patent is valid and enforceable.

6 32. The '880 Patent introduces a novel method and system for real-time  
7 inventory management within a retail store setting, designed to improve operational  
8 efficiency and customer experience.

9 33. The '880 Patent addresses the emerging challenges faced by brick-and-  
10 mortar retail stores due to the increasing prevalence of online shopping and  
11 showrooming. It provides innovative solutions to enhance in-store customer  
12 experiences and counter the competitive pressures from online retail by leveraging real-  
13 time data analysis and inventory management strategies.

14 34. The inventors of the '880 Patent recognized that there existed a significant  
15 gap in the brick-and-mortar retail sector's ability to provide real-time, personalized  
16 experiences to customers, a feature commonly leveraged by online retailers. The patent  
17 offers a method and system that bridges this gap by utilizing technology to analyze  
18 consumer behavior and dynamically adjust marketing and inventory strategies.

19 35. The '880 Patent provides several advantages over the prior art, such as  
20 real-time tracking of product interactions and the ability to send immediate responses  
21 for inventory adjustments. This method aims to minimize stockouts, enhance customer  
22 satisfaction, and boost sales by ensuring the availability of popular products.

23 36. The '880 Patent describes and claims a specific system incorporating  
24 servers, image recognition, and information monitoring devices to manage inventory,  
25 track product interactions, and generate real-time responses for inventory management  
26 based on data analysis.

27 37. Claim 1 of the '880 Patent reads:

28 1. A method comprising:

- 1 (a) using one or more information monitoring devices to gather
- 2 information about shopping activities of a plurality of persons at a
- 3 retail store, wherein
  - 4 (i) the retail store comprises a plurality of products that are
  - 5 stocked within the retail store, wherein the plurality of products
  - 6 are stocked upon one or more product points selected from a
  - 7 group consisting of shelves, end caps, displays, and
  - 8 combinations thereof,
  - 9 (ii) persons in the plurality of persons are in proximity to at least
  - 10 one of the one or more information monitoring devices at the
  - 11 retail store,
  - 12 (iii) the one or more information monitoring devices are operably
  - 13 connected to (A) a server, (B) one or more databases, or (C)
  - 14 both;
  - 15 (iv) the one or more information monitoring devices comprise one
  - 16 or more video image devices,
  - 17 (vi) the step of gathering information using the one or more
  - 18 information monitoring devices comprises
    - 19 (A) gathering product interaction information based upon
    - 20 product interactions the persons have with one or more
    - 21 products in the retail store, wherein the product
    - 22 interactions information comprises (I) the one or more
    - 23 products are picked up by the persons at the retail store,
    - 24 and (II) the one or more products are carried away by the
    - 25 persons at each of the retail store, and
    - 26 (B) gathering object identification information of the one or
    - 27 more products that the persons interacted with during the
    - 28 product interactions;

- 1 (b) analyzing the information in real time using (A) the server, (B) the  
2 one or more databases, or (C) both gathered by the information  
3 monitoring devices about the shopping activities of the plurality of  
4 persons to manage inventory of the products in the retail store at the  
5 one or more product points, wherein the analyzed information  
6 comprises the product interaction information and the object  
7 identification information; and
- 8 (c) providing a response in real time based upon the analyzed  
9 information gathered by the information monitoring devices, wherein  
10 the response is selected from a group consisting of
- 11 (i) sending a communication to a retail person to check inventory  
12 levels for a first product of the one or more products at the  
13 product point for the first product,
- 14 (ii) sending a communication to the retail store person to  
15 immediately re-stock the one or more first products at the  
16 product point for the first product,
- 17 (iii) sending a communication to the retail store person to contact  
18 a distribution center to obtain the one or more first products for  
19 delivery to the retail store for restocking the one or more first  
20 products at the product point for the first product, and
- 21 (iv) sending a communication to add one or more first products to  
22 an inventory order for inventory for the retail store.

23  
24 **THE '890 PATENT**

25 38. Alpha Modus is the owner by assignment from the inventors, Michael  
26 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
27 11,042,890 (the "'890 Patent") titled "Method And System For Customer Assistance  
28 In A Retail Store," including the right to sue for all past, present, and future

1 infringement. A true and correct copy of the '890 Patent is attached to this Complaint  
2 at Exhibit C.

3 39. The '890 Patent issued from U.S. Patent Application No. 16/837,711, filed  
4 on April 1, 2020.

5 40. The '890 Patent is a continuation of application No. 16/509,343, filed on  
6 Jul. 11, 2019, which in turn is a continuation of application No. 14/335,429, filed on  
7 Jul. 18, 2014.

8 41. The Patent Office issued the '890 Patent on June 22, 2021, after a full and  
9 fair examination.

10 42. The '890 Patent is valid and enforceable.

11 43. The '890 Patent relates to an improved method for enhancing customer  
12 assistance in retail stores through the use of advanced information monitoring systems.

13 44. The inventors of the '890 Patent recognized the need for brick-and-mortar  
14 retailers to adapt to the changing consumer behavior influenced by digital technology.  
15 The patent offers a solution by integrating technology to analyze customer interactions  
16 with products in real-time, providing targeted assistance and enhancing the shopping  
17 experience.

18 45. The '890 Patent provides several advancements over previous methods,  
19 such as real-time analysis of customer interactions with products, including sentiment  
20 and object identification information, and utilizing this data to manage inventory and  
21 offer personalized responses.

22 46. The '890 Patent describes and claims a specific method involving the use  
23 of information monitoring devices to gather and analyze data about a customer's  
24 interaction with products in a retail store. This method includes steps for gathering  
25 object identification and sentiment information about the product, analyzing this  
26 information in real-time, and providing appropriate responses to enhance the  
27 customer's shopping experience.

28 47. Claim 1 of the '890 Patent reads:

- 1 1. A method comprising:
- 2 (a) using one or more information monitoring devices to gather
- 3 information about a person at a retail store, wherein
- 4 (i) the person is in proximity to at least one of the one or more
- 5 information monitoring devices at the retail store,
- 6 (ii) the one or more information monitoring devices are operably
- 7 connected to (A) a server, (B) one or more databases, or (C)
- 8 both, and
- 9 (iii) the step of gathering information using the one or more
- 10 information monitoring devices comprises
- 11 (A) gathering object identification information of a product
- 12 that the person is interested in purchasing, and
- 13 (B) gathering sentiment information of the person with
- 14 respect to the product;
- 15 (b) analyzing the information in real time using (A) the server, (B) the
- 16 one or more databases, or (C) both gathered by the information
- 17 monitoring devices about the shopping activities of the plurality of
- 18 persons to manage inventory of the products in the retail store at the
- 19 one or more product points, wherein the analyzed information
- 20 comprises the object identification information and the sentiment
- 21 information; and
- 22 (c) providing a response in real time based upon the analyzed
- 23 information gathered by the information monitoring devices, wherein
- 24 the response is selected from a group consisting of
- 25 (i) sending a communication to the person directing the person to
- 26 a location in the retail store at which the person can interact
- 27 with the product,
- 28

- 1 (ii) engaging the person based upon the product, wherein the  
2 engaging is performed using one more displays and content  
3 being displayed on the one or more displays is selected based  
4 upon the product,  
5 (iii) sending a communication to a second person in the retail store  
6 who can then in real time interact with the person regarding the  
7 product,  
8 (iv) providing marketing or advertising information to the person  
9 in real time based upon the product, wherein the marketing or  
10 advertising information is either product to the person by a  
11 display at the retail store or by sending the marketing or  
12 advertising information to a mobile device of the person, and  
13 (v) providing a coupon to the person in real time based upon the  
14 product, wherein the coupon is either a printed out coupon or a  
15 digital coupon.  
16

17 **THE '550 PATENT**

18 48. Alpha Modus is the owner by assignment from the inventors, Michael  
19 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
20 12,039,550 (the “’550 Patent”) titled “Method for Enhancing Customer Shopping  
21 Experience in a Retail Store,” including the right to sue for all past, present, and future  
22 infringement. A true and correct copy of the ’550 Patent is attached to this Complaint  
23 at Exhibit D.

24 49. The ’550 Patent issued from U.S. Patent Application No. 17/590,605, filed  
25 on February 1, 2022.

26 50. The ’550 Patent is a continuation of prior applications tracing back  
27 through the family, including U.S. Patent No. 10,853,825 (filed July 11, 2019), and  
28 U.S. Patent No. 10,360,571 (filed July 18, 2014), ultimately claiming priority to a

1 provisional application filed July 19, 2013.

2 51. The U.S. Patent and Trademark Office issued the '550 Patent on July 16,  
3 2024, after a full and fair examination.

4 52. The '550 Patent is valid and enforceable.

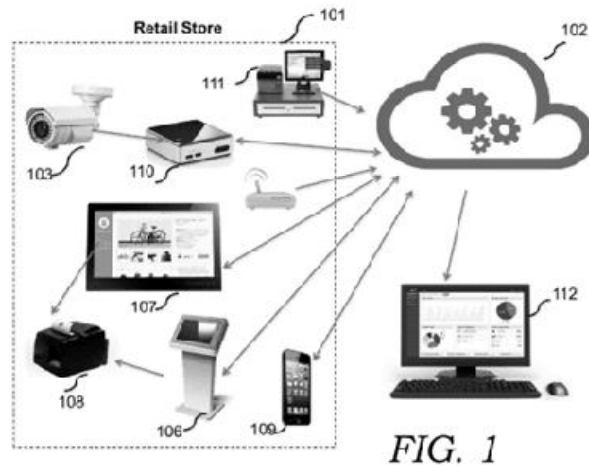
5 53. The '550 Patent introduces an innovative system for enhancing customer  
6 shopping experience in a retail store by monitoring and analyzing consumer behavior  
7 in real time—leveraging technologies such as MAC-address tracking, eye tracking,  
8 object recognition of goods on shelves, open APIs, and an advertising broker rules  
9 engine—to drive sales via engaging, personalized digital customer experiences.

10 54. The '550 Patent addresses pressing challenges faced by brick-and-mortar  
11 retail in the face of showrooming and the dominance of online retail. It offers novel  
12 solutions to provide richer, data-driven, in-store experiences that strengthen customer  
13 engagement and counter competitive pressures, by providing real-time analytics and  
14 personalized outreach strategies.

15 55. The inventors recognized a vital deficiency in conventional brick-and-  
16 mortar stores: the lack of real-time insight into in-store shopper behavior that online  
17 retailers routinely exploit. The '550 Patent bridges this gap by providing a  
18 technological framework that enables retailers to capture behavioral data and  
19 dynamically adjust marketing, merchandising, and customer support accordingly.

20 56. The '550 Patent offers several advantages over the prior art, including  
21 real-time behavior monitoring capabilities and the ability to deliver on-the-spot,  
22 personalized outreach via interactive displays or sales assistance informed by tracking  
23 data—thereby enhancing the relevance of consumer interactions and potentially  
24 increasing in-store conversion rates.

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*FIG. 2*

57. The '550 Patent describes and claims a specific system architecture that includes information monitoring devices (e.g., MAC tracking, eye tracking, object identification technologies) to gather and analyze real-time behavioral and demographic data, which then drives interactive outputs like demographic-aware displays, assistance prompts at shelves, and purchase facilitation.

58. Claim 1 of the '550 Patent reads:

1. A method comprising:

(a) obtaining an information analysis about the shopping activities of a plurality of persons, wherein,

- 1 (i) the information analysis is an analysis of gathered information  
2 by one or more information monitoring devices about shopping  
3 activities of a plurality of persons,  
4 (ii) the gathered information comprises gathered traffic  
5 information of the plurality of persons, wherein the gathered  
6 traffic information comprises traffic information gathered by at  
7 least one of the one or more information monitoring devices,  
8 and  
9 (iii) the gathered information further comprises gathered product  
10 interaction information of the plurality of persons, wherein  
11 (A) the gathered product interaction information comprises  
12 product interaction information gathered by at least one  
13 of the one or more information monitoring devices, and  
14 (B) the product interaction information is based upon type  
15 of interactions the persons had with one or more  
16 products, and  
17 (iv) the gathered information further comprises gathered object  
18 identification information, wherein  
19 (A) the gathered object identification information comprises  
20 object identification information gathered by at least one  
21 of the one or more information monitoring devices, and  
22 (B) the object identification information comprises the one  
23 or more products that the persons interacted with during  
24 the product interactions;  
25 (b) providing the information analysis to a brand entity for enhancing in-  
26 store shopping experience of customers of one or more brick-and-  
27 mortar retail stores, wherein  
28

- 1 (i) the brand entity is an entity that provides one or more brand  
2 products to one or more brick-and-mortar retail store; and,  
3 (c) enhancing the in-store shopping experience of the customers of the  
4 one or more brick-and-mortar retail stores by an experience from the  
5 brand entity selected from the group consisting of  
6 (i) engagement of the customer based upon the information  
7 analysis, wherein the engagement is received by the customer  
8 using one or more displays and content of the engagement  
9 being displayed on the one or more displays is selected based  
10 upon the information analysis and based upon the one or more  
11 brand products,  
12 (ii) engagement of the customer based upon the information  
13 analysis, wherein the engagement is received by the customer  
14 by a second person at the brick-and-mortar retail store who can  
15 directly interact with the customer based upon (A) the  
16 information analysis received by the second person by an  
17 electronic communication sent to the second person by a  
18 system at the brick-and-mortar retail store and (B) based upon  
19 the one or more brand products,  
20 (iii) provision of marketing or advertising information directed to  
21 the customer based upon the analyzed information and based  
22 upon the one or more brand products, wherein the marketing or  
23 advertising information is received by the customer through a  
24 display at the one or more brick-and-mortar retail stores or by  
25 receiving the marketing or advertising information on a mobile  
26 device of the customer, and  
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1 (iv) provision of a coupon directed to the customer based upon the  
2 analyzed information, wherein the coupon is received by the  
3 customer either as a printed out coupon or as a digital coupon.  
4

### 5 THE '731 PATENT

6 59. Alpha Modus is the owner by assignment from the inventors, Michael  
7 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
8 12,026,731 (the "'731 Patent") titled "Method For Personalized Marketing And  
9 Advertising Of Retail Products," including the right to sue for all past, present, and  
10 future infringement. A true and correct copy of the '731 Patent is attached to this  
11 Complaint at Exhibit E.

12 60. The '731 Patent issued from U.S. Patent Application No. 18/100,377 filed  
13 on January 23, 2023.

14 61. The '731 Patent is a continuation of application No. 17/590,605, filed on  
15 Feb. 1, 2002.

16 62. The Patent Office issued the '731 Patent on July 2, 2024, after a full and  
17 fair examination.

18 63. The '731 Patent is valid and enforceable.

19 64. The '731 Patent introduces a novel method for obtaining an information  
20 analysis of a shopper's activities, for tracking the shopper using information  
21 monitoring devices to determine location, and for providing targeted communications  
22 to that shopper based on their shopping history and real-time location.

23 65. The '731 Patent addresses the emerging challenges in the retail sector,  
24 particularly for brick-and-mortar stores, in the context of delivering personalized  
25 marketing and advertising tied to in-store behavior and purchase activity. The patent  
26 provides innovative solutions for enhancing consumer engagement and driving sales  
27 by delivering targeted coupons, promotions, and product information directly to  
28 shoppers.

1           66. The inventors of the '731 Patent recognized the need for retailers to adapt  
2 to changing consumer behavior by using in-store monitoring technologies to gather  
3 information about a shopper's interactions with products, track their location, and then  
4 provide communications that direct the shopper to a retail store location and deliver  
5 personalized advertising or purchase options.

6           67. The '731 Patent provides several advancements over previous methods,  
7 such as real-time analysis of consumer product interactions, real-time shopper location  
8 tracking, and using this information to provide communications including marketing  
9 advertisements, digital coupons, store-specific promotions, and purchase options such  
10 as pickup, delivery, or reduced price offers.

11           68. The '731 Patent describes and claims a specific system incorporating  
12 servers, databases, and information monitoring devices including video image devices  
13 to monitor shopping activity, track consumer location, generate a real-time analysis of  
14 shopper behavior, and provide personalized product communications and store location  
15 information via interactive devices.

16           69. Claim 1 of the '731 Patent reads:

17           1. A method for personalized marketing or advertising of one or more products  
18 for purchase by a plurality of persons from retail stores, wherein, for each  
19 person in the plurality of persons, the method comprising:

20           (a) obtaining an information analysis about the shopping activities of the  
21 person, wherein,

22                   (i) the information analysis is an analysis of gathered information  
23 by one or more first information monitoring devices about  
24 shopping activities of the person,

25                   (ii) the gathered information comprises gathered product  
26 interaction information of the person, wherein

27                           (A) the gathered product interaction information comprises  
28 product interaction information gathered by at least one

1 of the one or more first information monitoring devices,  
2 and

3 (B) the product interaction information is based upon  
4 shopping by the person of one or more first products,  
5 (b) tracking the person using one or more second information monitoring  
6 devices to determine the location of the person;

7 (c) based upon the determined location of the person, providing the  
8 person, via a first interactive device, a communication, wherein the  
9 communication comprises

10 (i) a location communication comprising a retail store location at  
11 which the person can purchase a product, wherein the product  
12 relates to at least one of the one or more first products, and

13 (ii) a product communication that is directed to the person based  
14 upon the information analysis and that is selected from the  
15 group consisting of

16 (A) a product communication of marketing or advertising  
17 information regarding the product,

18 (B) a product communication of a coupon regarding the  
19 product, wherein the coupon is received by the person  
20 either as a printed out coupon or as a digital coupon,

21 (C) a product communication of a coupon regarding one or  
22 more products that relate to the product, wherein the  
23 coupon is received by the person either as a printed out  
24 coupon or as a digital coupon,

25 (D) a product communication regarding a purchase option  
26 for the product, wherein the purchase option comprises  
27 an option to ship the product to the person or an option  
28 for the person to pick-up the product, and

1 (E) a product communication regarding a purchase option  
2 for the product, wherein the purchase option comprises  
3 an option to purchase the product at a reduced price  
4 during a limited period of time.  
5

6 **THE '121 PATENT**

7 70. Alpha Modus is the owner by assignment from the inventors, Michael  
8 Garel and Jim Wang, of all right, title, and interest in and to United States Patent No.  
9 12,354,121 (the “'121 Patent”) titled “Method And System For Shopping In A Retail  
10 Store,” including the right to sue for all past, present, and future infringement. A true  
11 and correct copy of the '121 Patent is attached to this Complaint at Exhibit F.

12 71. The '121 Patent issued from U.S. Patent Application No. 18/651,410 filed  
13 on April 30, 2024, which in turn is a continuation of application No. 14/335,429, filed  
14 on Jul. 18, 2014.

15 72. The Patent Office issued the '121 Patent on July 8, 2025, after a full and  
16 fair examination.

17 73. The '121 Patent is valid and enforceable.

18 74. The '121 Patent introduces a novel system for tracking customer  
19 movement, for tracking products retained while shopping, for tracking to a point-of-  
20 sale area, and for interfacing with this information in the point-of-sale area for payment  
21 of the products.

22 75. The '121 Patent addresses the emerging challenges in the retail sector,  
23 particularly for brick-and-mortar stores, in the context of monitoring products retained  
24 for purchase and for allowing purchase of the products by the shopper within the point-  
25 of-sale area. The patent provides innovative solutions to enhance in-store customer  
26 experiences and to increase the speed and efficacy of the shopper’s purchase  
27 transaction.

28 76. The inventors of the '121 Patent recognized the need for brick-and-mortar

1 retailers to adapt to the changing consumer behavior in order to better optimize the  
2 shopper's purchase experience in a retail store by recording the users location during  
3 shopping, the items retained by the customer for purchase, and then providing a  
4 seamless purchase experience for the shopper at the point-of-sale area of the retail store.

5 77. The '121 Patent provides several advancements over previous methods,  
6 such as real-time analysis of customer traffic within the store as well as customers'  
7 interactions with products, and utilizing this data to improve the speed and ease of the  
8 customer's purchase experience.

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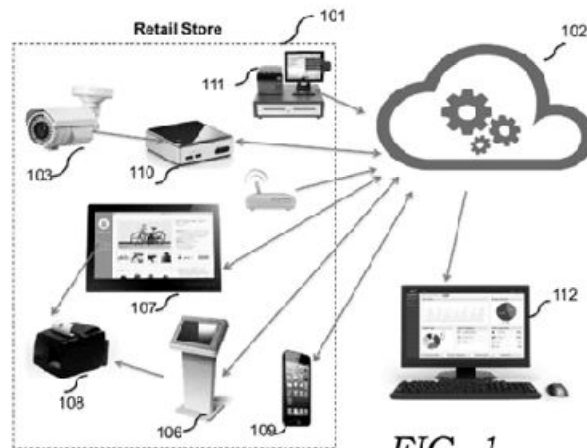


FIG. 1

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FIG. 2

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78. The '121 Patent describes and claims a specific system incorporating servers, video imaging devices such as cameras, and information monitoring devices to monitor customer movement and items selected for purchase, maintain a list of items

1 selected for purchase, and providing for purchase of such items in the point-of-sale area  
2 of the retail store.

3 79. Claim 1 of the '121 Patent reads:

4 1. A method comprising using a system comprising a server, one or  
5 more information monitoring devices, and one or more databases,  
6 wherein the method comprises:

7 (a) using at least one of the one or more information monitoring devices  
8 to identify a first person at a retail store, wherein

9 (i) the first person is in proximity of at least one of the one or  
10 more information monitoring devices at the retail store,

11 (ii) the one or more first information monitoring devices are  
12 selected from a group consisting of computing devices, user

13 input and output devices, displays, POS devices, cameras,  
14 sensors; WIFI devices; in-store customer devices; output

15 devices; system for communicating to user devices, and kiosks,  
16 and

17 (iii) the one or more information monitoring devices are operably  
18 connected to (A) the server, (B) the one or more databases, or  
19 (C) both;

20 (b) using at least one of the one or more of the information monitoring  
21 devices to gather shopping information of the first person at the retail  
22 store, wherein

23 (i) the gathered shopping information comprises gathered traffic  
24 information of the first person, wherein

25 (A) the gathered traffic information comprises traffic

26 information of the first person gathered by at least one of

27 the one or more information monitoring devices, and

1 (B) the traffic information comprises identification of one  
2 or more stops that the first person makes within and  
3 about the retail store,  
4 (ii) the gathered shopping information further comprises gathered  
5 product interaction information of the first person at the retail  
6 store, wherein  
7 (A) the gathered product interaction information comprises  
8 product interaction information of the first person  
9 gathered by at least one of the one or more information  
10 monitoring devices, and  
11 (B) the product interaction information is based upon type  
12 of product interactions the first person had with one or  
13 more products at the retail store, wherein the type of  
14 product interactions are selected from a group consisting  
15 of (I) the one or more products viewed by the first  
16 person at the retail store at each of the one or more stops,  
17 (II) the one or more products picked up by the first  
18 person at the retail store at each of the one or more stops,  
19 (III) the one or more products put down by the first  
20 person at the retail store at each of the one or more stops,  
21 ((IV) the one or more products carried away by the first  
22 person at the retail at each of the one or more stops, and  
23 (V) combinations thereof, and  
24 (iii) the gathered shopping information further comprises gathered  
25 object identification information, wherein  
26 (A) the gathered object identification information comprises  
27 object identification information gathered by at least one  
28 of the one or more information monitoring devices, and

- 1 (B) the object identification information comprises the one
- 2 or more products that the first person interacted with
- 3 during the product interactions; and
- 4 (c) analyzing by the system, in real time, the gathered shopping
- 5 information to generate and maintain a list of the one or more
- 6 products that the first person interacted with during the product
- 7 interactions, wherein the list comprises a listing of the products
- 8 retained by the first person while shopping at the retail store;
- 9 (d) using the one or more of the information monitoring devices to track
- 10 the first person to a point-of-sale area of the retail store;
- 11 (e) in response to the first person being tracked to the point-of sale area,
- 12 interfacing the system, in real time, with a payment system for
- 13 payment by the first person of the list of the products retained by the
- 14 first person while shopping at the retail store at the point-of-sale area;
- 15 and
- 16 (f) transmitting a receipt to the first person after payment by the first
- 17 person, wherein the receipt comprises the list of the products
- 18 purchased at the retail store.

19

20 **THE '718 PATENT**

21 80. Alpha Modus filed United States Patent Application Serial No.

22 18/905,975 (which became the '718 Patent) on October 3, 2024, which is a continuation

23 of United States Patent Application Serial No. 18/651,410, filed on April 30, 2024,

24 which is a continuation of United States Patent Application Serial No. 18/519,550, filed

25 on November 27, 2023, which is a continuation of United States Patent Application

26 Serial No. 18/100,377, filed on January 23, 2023, now U.S. Patent No. 12,026,731,

27 which is a continuation of United States Patent Application Serial No. 17/590,605, filed

28 on February 1, 2022, now U.S. Patent No. 12,039,550, which is a continuation of

1 United States Patent Application Serial No. 16/837,645, filed on April 1, 2020, now  
2 U.S. Patent No.11,301,880, which is a continuation of United States Patent Application  
3 Serial No.16/509,343, filed on July 11, 2019, now U.S. Patent No.10,853,825, which  
4 is a continuation of United States Patent Application Serial No.14/335,429, filed on  
5 July 18, 2014, now U.S. Patent No. 10,360,571. A true and correct copy of the '718  
6 Patent is attached to this Complaint at Exhibit G.

7 81. The United States Patent and Trademark Office published the '718 Patent  
8 on January 23, 2025.

9 82. The '718 Patent introduces a novel method for using information  
10 monitoring devices within a retail store to gather information about individual  
11 shoppers, including tracking products retained while shopping, monitoring the  
12 shopper's movement to a point-of-sale area, and identifying products being purchased  
13 at checkout.

14 83. The '718 Patent addresses the challenges brick-and-mortar retailers face  
15 in understanding customer behavior, ensuring the accuracy of product tracking, and  
16 improving real-time interactions between shoppers and sales associates. The  
17 application provides innovative solutions that leverage video imaging devices and  
18 other monitoring systems to generate actionable data during the shopping and  
19 purchasing process.

20 84. The inventors of the '718 Patent recognized the need for retailers to adapt  
21 to evolving consumer behavior by implementing systems capable of analyzing shopper  
22 behavior in real time, maintaining accurate records of retained and being-purchased  
23 products, and enabling targeted assistance by sales associates to improve both  
24 efficiency and personalization in the purchase experience.

25 85. The '718 Patent provides several advancements over prior systems,  
26 including the ability to generate and compare lists of products retained and products  
27 being purchased, detect discrepancies, and utilize this real-time comparison to  
28 automatically select and notify a sales associate. These improvements enhance

1 transaction accuracy, operational speed, and the overall customer experience in the  
2 retail environment.

3 86. The '718 Patent describes and claims a specific system comprising  
4 servers, databases, video imaging devices, and other information monitoring devices  
5 to gather and analyze shopper information, maintain product lists, and communicate  
6 this information to sales associates for direct interaction with shoppers in the store.

7 87. Claim 1 of the '718 Patent reads:

8 1.A method comprising:

9 (a) using one or more information monitoring devices to gather  
10 information about a first person in a group of persons at a retail store,  
11 wherein

12 (i) the first person is in proximity of at least one of the one or  
13 more information monitoring devices at the retail store,

14 (ii) the one or more information monitoring devices are operably  
15 connected to

16 (A) a server,

17 (B) one or more databases, or

18 (C) both,

19 (iii) the one or more information monitoring devices comprise one  
20 or more video image devices, and

21 (iv) the step of gathering information using the one or more  
22 information monitoring devices comprises

23 (A) gathering information of one or more products that the  
24 first person retained while shopping at the store,

25 (B) tracking the first person to a point-of-sale area of the  
26 retail store, and

27 (C) utilizing the one or more information monitoring  
28 devices to identify one or more being-purchased

- 1 products that the person is providing for purchase at the  
2 retail store in the point-of-sale area;
- 3 (b) analyzing by the system, in real time, the information gathered by the  
4 information monitoring devices to
- 5 (i) generate and maintain a list of the one or more products  
6 retained by the first person while shopping at the retail store,  
7 wherein the list comprises a listing of the products retained by  
8 the person while shopping at the retail store;
- 9 (ii) generate a listing of the one or more being-purchased  
10 products;
- 11 (iii) comparing the listing of the products retained by the person  
12 while shopping at the retail store with the listing of the one or  
13 more being- purchased products;
- 14 (c) in response to at least some of the comparisons generated by the  
15 system, utilizing the real time analysis to select a sales associate from  
16 a group of sales associates at the retail store; and
- 17 (d) sending a communication to the sales associate that comprises at  
18 least a portion of (i) the information gathered by the information  
19 monitoring devices, (ii) the real time analysis, or (iii) both; wherein  
20 the sales representative can then directly interact with the first person  
21 in response to the communication.

22  
23 **STRATACACHE**

24 88. Stratacache is a global digital-technology company specializing in in-  
25 store retail analytics, shopper-engagement measurement, and data-driven digital-  
26 signage systems deployed throughout retail stores, quick-service restaurants, grocery  
27 chains, pharmacies, and other commercial environments. Stratacache markets itself as  
28 a provider of real-time, at-scale solutions that combine digital displays, sensor

1 networks, and data-analytics engines to understand and influence consumer behavior  
2 inside physical retail locations.

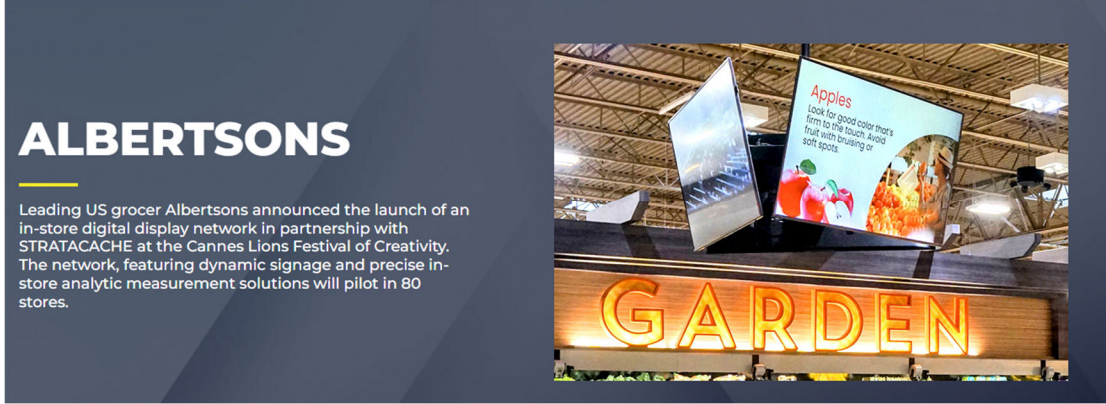
3 89. Stratacache represents that it is heavily research- and development-driven,  
4 emphasizing proprietary hardware, video-based analytics, in-store sensors, and cloud-  
5 based software platforms capable of generating continuous, real-time data on customer  
6 traffic, movement, product interaction, engagement duration, and dwell characteristics.  
7 Stratacache’s platform integrates computer vision, mobile-device analytics, and  
8 sensor-based measurement tools to capture granular, real-time insights about consumer  
9 behavior.

10 90. Stratacache states that its mission is to provide retailers and brands with  
11 advanced shopper-intelligence tools that increase sales conversion, optimize  
12 merchandising performance, enhance promotional effectiveness, and improve  
13 operational efficiency by turning physical-store behavioral patterns into actionable  
14 intelligence.

15 91. Stratacache’s hardware and software platforms—including Walkbase  
16 Analytics, Walkbase Presence, Walkbase Flow, PRN digital-display networks,  
17 interactive displays, sensor-based audience-measurement modules, smart-shelf  
18 technologies, and Stratacache’s in-store retail media network solutions together  
19 comprise the “Accused Products” in this case. Stratacache describes these systems as  
20 enabling real-time tracking of customer movement, zone-based behavior analysis, foot-  
21 traffic measurement, dwell-time analysis, product-interaction detection, and customer-  
22 engagement monitoring.

23 92. Stratacache advertises that the Accused Products are deployed across a  
24 wide range of industries, including retail, quick-service restaurants, grocery chains,  
25 pharmacies, automotive dealerships, shopping malls, airports, and other commercial  
26 environments.

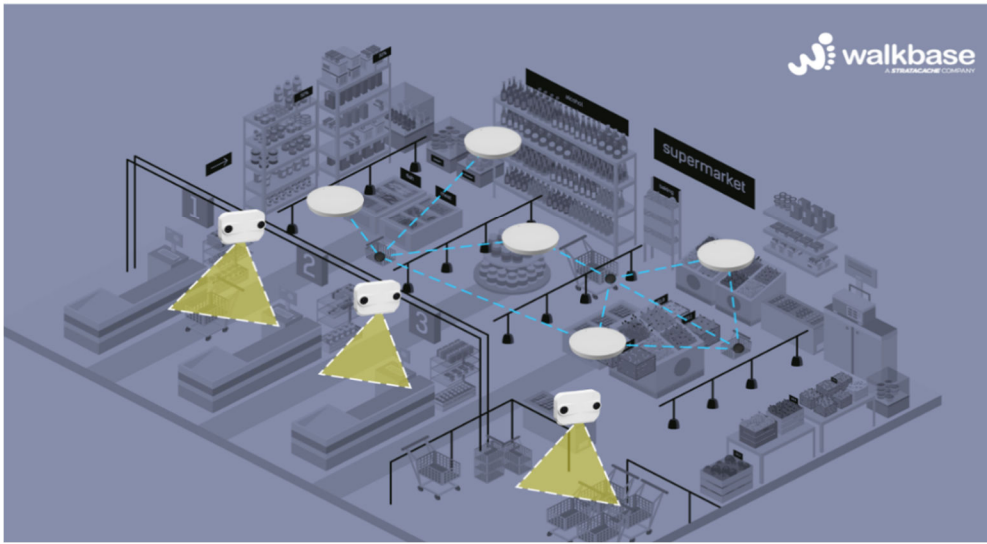
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<https://stratocache.com/en/albertsons>

93. Stratocache’s own materials further describe the Accused Products as enabling sensors and video analytics to capture metrics such as footfall, device-based presence detection (e.g., Wi-Fi/BLE analytics), heat maps, dwell durations, pathing analysis, zone-level engagement, and real-time behavioral insights.

Just like web analytics platforms share detailed insights into online shopping behaviors, Walkbase provides the same level of measurability for your physical space. Advanced algorithms and tools ensure you have clean and reliable retail data to analyze and use for decision making.



<https://stratocache.com/en/solutions/data-and-analytics>

94. The Accused Products practice the patented systems and methods of the Asserted Patents.

95. Stratocache has been aware of Alpha Modus and the Asserted Patents at least as early as the filing of this Complaint.

1 96. The financial gains accrued by Stratacache through the use of Alpha  
2 Modus's patented technology have been substantial, providing Stratacache with  
3 competitive advantages in the retail market.

4 97. The benefits reaped by Stratacache through the exploitation of Alpha  
5 Modus's intellectual property have resulted in corresponding harm to Alpha Modus.  
6 This harm includes but is not limited to lost business opportunities, revenue, and  
7 diminution of the value of its patented technology.

8 98. This case is filed to address and seek redress for the unauthorized use of  
9 Alpha Modus's patented technology by Stratacache, which has led to significant  
10 commercial gains for Stratacache at the expense of Alpha Modus's proprietary rights  
11 and investments.

12 **COUNT I**

13 **(DIRECT INFRINGEMENT OF THE '120 PATENT)**

14 99. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
15 set forth herein, the allegations of the preceding paragraphs.

16 100. Stratacache has made, used, offered for sale, and sold in the United States,  
17 products and systems that directly infringe the '120 Patent, including the Accused  
18 Products.

19 101. The Accused Products embody a method for gathering information about  
20 shopping activities of a plurality of consumer utilizing the Accused Products at a retail  
21 store in a retail store setting, as claimed in the '120 Patent.

22 102. The Accused Products utilize a server comprising one or more server  
23 processors, and a server memory storing computer-executable instructions that, when  
24 executed, perform functions covered by at least Claim 1 of the '120 Patent.

25 103. The functions implemented by the Accused Products include gathering  
26 traffic information of the shoppers within the retail store, including movement of the  
27 shopper; gathering product interaction information of the products that the shopper  
28 interacts with in the store; and identifying the products that the shopper interacts with.

1 104. The Accused Products generate layout information about the retail store  
2 and use the information gathered by the system in order to make recommendations to  
3 improve the layout of products in the store.

4 105. Stratacache has directly infringed the '120 Patent in violation of 35 U.S.C.  
5 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
6 Products that embody the patented inventions of at least Claim 1 of the '120 Patent.

7 106. The Accused Products satisfy each and every element of the asserted  
8 claim of the '120 Patent either literally or under the doctrine of equivalents.

9 107. Stratacache's infringing activities are and have been without authority or  
10 license under the '120 Patent.

11 108. As a direct and proximate result of Stratacache's infringement of the '120  
12 Patent, Alpha Modus has suffered and will continue to suffer damage.

13 109. Alpha Modus is informed and believes, and on that basis alleges, that  
14 Stratacache has been aware of the '120 Patent and its infringement thereof. Despite this  
15 knowledge, Stratacache has continued to make, use, sell, and offer for sale the Accused  
16 Products.

17 110. Alpha Modus is informed and believes that Stratacache knew or was  
18 willfully blind to the patented technology of the '120 Patent. Despite this knowledge  
19 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
20 patent rights with an objectively high likelihood of infringement.

21 111. Alpha Modus is informed and believes that Stratacache has made no  
22 efforts to avoid infringement of the '120 Patent, despite its knowledge and  
23 understanding that its products and systems infringe the '120 Patent.

24 112. Therefore, Stratacache's infringement of the '120 Patent is willful and  
25 egregious, warranting an enhancement of damages.

26 113. As such, Stratacache has acted and continues to act recklessly, willfully,  
27 wantonly, deliberately, and egregiously in infringement of the '120 Patent, justifying  
28 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'

1 fees and costs incurred under 35 U.S.C. § 285.

2 **COUNT II**

3 **(INDUCED PATENT INFRINGEMENT OF THE '120 PATENT)**

4 114. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
5 set forth herein, the allegations of the preceding paragraphs, as set forth above.

6 115. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
7 at least one claim of the '120 Patent, at least as early as the filing of this Complaint,  
8 because it knowingly induces, aids, and directs others to use the Accused Products in  
9 a manner that infringes the '120 Patent.

10 116. Stratacache's customers have utilized the Accused Products in various  
11 industries including in retail stores, which practice the patented methods of the '120  
12 Patent.

13 117. Stratacache's use of the Accused Products demonstrates specific intent to  
14 induce infringement of the '120 Patent. Stratacache encourages, directs, aids, and abets  
15 the use and operation of the Accused Products in a manner that infringes the '120  
16 Patent.

17 118. Stratacache's knowledge of the '120 Patent, combined with its ongoing  
18 use of the Accused Products, demonstrates Stratacache's knowledge and intent that the  
19 Accused Products be used in a manner that infringes the '120 Patent.

20 119. Stratacache's actions and the manner in which the Accused Products are  
21 used in Stratacache's customers' stores, consistent with Stratacache's instructions,  
22 demonstrate Stratacache's specific intent to induce infringement of the '120 Patent.

23 120. Alpha Modus is informed and believes, and on that basis alleges, that  
24 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
25 its customers and staff, to infringe by practicing, either themselves or in conjunction  
26 with Stratacache, one or more claims of the '120 Patent.

27 121. As a direct and proximate result of Stratacache's induced infringement of  
28 the '120 Patent, Alpha Modus has suffered and will continue to suffer damage.

1 122. Alpha Modus is entitled to recover from Stratacache compensation in the  
2 form of monetary damages suffered as a result of Stratacache's infringement in an  
3 amount that cannot be less than a reasonable royalty, together with interest and costs  
4 as fixed by this Court.

5 **COUNT III**

6 **(DIRECT INFRINGEMENT OF THE '880 PATENT)**

7 123. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
8 set forth herein, the allegations of the preceding paragraphs.

9 124. Stratacache has made, used, offered for sale, and sold in the United States,  
10 products and systems that directly infringe the '880 Patent, including the Accused  
11 Products.

12 125. The Accused Products embody a method for customer assistance in a  
13 retail store as claimed in the '880 Patent.

14 126. The Accused Products include video image devices.

15 127. The Accused Products include the use of one or more information  
16 monitoring devices to gather information about the shopping activities of persons at a  
17 retail store, in line with claim 1 of the '880 Patent.

18 128. The Accused Products perform functions such as gathering product  
19 interaction information of the person with respect to the products that the person  
20 interacts with and gathering object identification information for the products that the  
21 persons interacted with during the product interactions.

22 129. Stratacache has directly infringed the '880 Patent in violation of 35 U.S.C.  
23 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
24 Products that embody the patented inventions of at least Claim 1 of the '880 Patent.

25 130. The Accused Products satisfy each and every element of the asserted  
26 claim of the '880 Patent either literally or under the doctrine of equivalents.

27 131. Stratacache's infringing activities are and have been without authority or  
28 license under the '880 Patent.

1 132. As a direct and proximate result of Stratacache's infringement of the '880  
2 Patent, Alpha Modus has suffered and will continue to suffer damage.

3 133. Alpha Modus is informed and believes, and on that basis alleges, that  
4 Stratacache has been aware of the '880 Patent and its infringement thereof. Despite  
5 this knowledge, Stratacache has continued to make, use, sell, and offer for sale the  
6 Accused Products.

7 134. Alpha Modus is informed and believes that Stratacache knew or was  
8 willfully blind to the patented technology of the '880 Patent. Despite this knowledge  
9 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
10 patent rights with an objectively high likelihood of infringement.

11 135. Therefore, Stratacache's infringement of the '880 Patent is willful and  
12 egregious, warranting an enhancement of damages.

13 136. As such, Stratacache has acted and continues to act recklessly, willfully,  
14 wantonly, deliberately, and egregiously in infringement of the '880 Patent, justifying  
15 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
16 fees and costs incurred under 35 U.S.C. § 285.

17 **COUNT IV**

18 **(INDUCED PATENT INFRINGEMENT OF THE '880 PATENT)**

19 137. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
20 set forth herein, the allegations of the preceding paragraphs.

21 138. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
22 at least one claim of the '880 Patent, at least as early as the filing of this Complaint,  
23 because it knowingly induces, aids, and directs others to use the Accused Products in  
24 a manner that infringes the '880 Patent.

25 139. Stratacache has implemented and utilized the Accused Products in its  
26 customers' stores, which practice the patented methods of the '880 Patent.

27 140. Stratacache's use of the Accused Products demonstrates specific intent to  
28 induce infringement of the '880 Patent. Stratacache encourages, directs, aids, and abets

1 the use and operation of the Accused Products in a manner that infringes the '880  
2 Patent.

3 141. Stratacache's knowledge of the '880 Patent, combined with its ongoing  
4 making of, use of, sale of, and offers to sell of the Accused Products, demonstrates  
5 Stratacache's knowledge and intent that the Accused Products be used in a manner that  
6 infringes the '880 Patent.

7 142. Stratacache actions and the manner in which the Accused Products are  
8 used in Stratacache's customers' stores, consistent with Stratacache's instructions,  
9 demonstrate Stratacache's specific intent to induce infringement of the '880 Patent.

10 143. Alpha Modus is informed and believes, and on that basis alleges, that  
11 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
12 its customers and staff, to infringe by practicing, either themselves or in conjunction  
13 with Stratacache, one or more claims of the '880 Patent.

14 144. As a direct and proximate result of Stratacache's induced infringement of  
15 the '880 Patent, Alpha Modus has suffered and will continue to suffer damage.

16 145. Alpha Modus is entitled to recover from Stratacache compensation in the  
17 form of monetary damages suffered as a result of Stratacache's infringement in an  
18 amount that cannot be less than a reasonable royalty, together with interest and costs  
19 as fixed by this Court.

20 **COUNT V**

21 **(DIRECT INFRINGEMENT OF THE '890 PATENT)**

22 146. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
23 set forth herein, the allegations of the preceding paragraphs.

24 147. Stratacache has made, used, offered for sale, and sold in the United States,  
25 products and systems that directly infringe the '890 Patent, including the Accused  
26 Products.

27 148. The Accused Products embody a method for customer assistance in a  
28 retail store as claimed in the '890 Patent.

1 149. The Accused Products include the use of one or more information  
2 monitoring devices to gather information about a person at a retail store, in line with  
3 claim 1 of the '890 Patent.

4 150. The Accused Products are operably connected to (A) a server, (B) one or  
5 more databases, or (C) both, and perform functions such as gathering object  
6 identification information of a product and gathering sentiment information of the  
7 person with respect to the product.

8 151. The Accused Products analyze the information in real time and provide a  
9 response based upon the analyzed information gathered by the information monitoring  
10 devices, including but not limited to directing a person to a product location, engaging  
11 the person based on the product, providing marketing or advertising information, and  
12 offering coupons.

13 152. Stratacache has directly infringed the '890 Patent in violation of 35 U.S.C.  
14 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
15 Products that embody the patented inventions of at least Claim 1 of the '890 Patent.

16 153. The Accused Products satisfy each and every element of the asserted  
17 claim of the '890 Patent either literally or under the doctrine of equivalents.

18 154. Stratacache's infringing activities are and have been without authority or  
19 license under the '890 Patent.

20 155. As a direct and proximate result of Stratacache's infringement of the '890  
21 Patent, Alpha Modus has suffered and will continue to suffer damage.

22 156. Alpha Modus is informed and believes, and on that basis alleges, that  
23 Stratacache has been aware of the '890 Patent and its infringement thereof. Despite  
24 this knowledge, Stratacache has continued to make, use, sell, and offer for sale the  
25 Accused Products.

26 157. Alpha Modus is informed and believes that Stratacache knew or was  
27 willfully blind to the patented technology of the '890 Patent. Despite this knowledge  
28 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's

1 patent rights with an objectively high likelihood of infringement.

2 158. Alpha Modus is informed and believes that Stratacache has made no  
3 efforts to avoid infringement of the '890 Patent, despite its knowledge and  
4 understanding that its products and systems infringe the '890 Patent.

5 159. Therefore, Stratacache's infringement of the '890 Patent is willful and  
6 egregious, warranting an enhancement of damages.

7 160. As such, Stratacache has acted and continues to act recklessly, willfully,  
8 wantonly, deliberately, and egregiously in infringement of the '890 Patent, justifying  
9 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
10 fees and costs incurred under 35 U.S.C. § 285.

11 **COUNT VI**

12 **(INDUCED PATENT INFRINGEMENT OF THE '890 PATENT)**

13 161. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
14 set forth herein, the allegations of the preceding paragraphs.

15 162. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
16 at least one claim of the '890 Patent, at least as early as the filing of this Complaint,  
17 because it knowingly induces, aids, and directs others to use the Accused Products in  
18 a manner that infringes the '890 Patent.

19 163. Stratacache has implemented and utilized the Accused Products in its  
20 customers' stores, which practice the patented methods of the '890 Patent.

21 164. Stratacache's use of the Accused Products demonstrates specific intent to  
22 induce infringement of the '890 Patent. Stratacache encourages, directs, aids, and abets  
23 the use and operation of the Accused Products in a manner that infringes the '890  
24 Patent.

25 165. Stratacache's knowledge of the '890 Patent, combined with its ongoing  
26 making of, use of, sale of, and offers to sell of the Accused Products, demonstrates  
27 Stratacache's knowledge and intent that the Accused Products be used in a manner that  
28

1 infringes the '890 Patent.

2 166. Stratacache's actions and the manner in which the Accused Products are  
3 used in Stratacache's customers' stores, consistent with Stratacache's instructions,  
4 demonstrate Stratacache's specific intent to induce infringement of the '890 Patent.

5 167. Alpha Modus is informed and believes, and on that basis alleges, that  
6 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
7 its customers and staff, to infringe by practicing, either themselves or in conjunction  
8 with Stratacache, one or more claims of the '890 Patent.

9 168. As a direct and proximate result of Stratacache's induced infringement of  
10 the '890 Patent, Alpha Modus has suffered and will continue to suffer damage.

11 169. Alpha Modus is entitled to recover from Stratacache compensation in the  
12 form of monetary damages suffered as a result of Stratacache's infringement in an  
13 amount that cannot be less than a reasonable royalty, together with interest and costs  
14 as fixed by this Court.

15 **COUNT VII**

16 **(DIRECT INFRINGEMENT OF THE '550 PATENT)**

17 170. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
18 set forth herein, the allegations of the preceding paragraphs.

19 171. Stratacache has made, used, offered for sale, and sold in the United States,  
20 products and systems that directly infringe the '550 Patent, including the Accused  
21 Products.

22 172. The Accused Products embody a system for monitoring and analyzing  
23 consumer behavior and product interaction information in a retail store setting, as  
24 claimed in the '550 Patent.

25 173. The Accused Products utilize a server comprising one or more server  
26 processors, and a server memory storing computer-executable instructions that, when  
27 executed, perform functions covered by at least Claim 1 of the '550 Patent.

28 174. The functions include gathering and analyzing information from

1 information monitoring devices, including video image devices, to track consumer  
2 interactions with retail products, identifying products of interest, associating such  
3 information with consumer demographic or behavioral data, and generating  
4 personalized marketing or promotional content based on the collected information.

5 175. Stratacache has directly infringed the '550 Patent in violation of 35 U.S.C.  
6 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
7 Products that embody the patented inventions of at least Claim 1 of the '550 Patent.

8 176. The Accused Products satisfy each and every element of the asserted  
9 claims of the '550 Patent either literally or under the doctrine of equivalents.

10 177. Stratacache's infringing activities are and have been without authority or  
11 license under the '550 Patent.

12 178. As a direct and proximate result of Stratacache's infringement of the '550  
13 Patent, Alpha Modus has suffered and will continue to suffer damage.

14 179. Alpha Modus is informed and believes, and on that basis alleges, that  
15 Stratacache has been aware of the '550 Patent and its infringement thereof. Despite  
16 this knowledge, Stratacache has continued to make, use, sell, and offer for sale the  
17 Accused Products.

18 180. Alpha Modus is informed and believes that Stratacache knew or was  
19 willfully blind to the patented technology of the '550 Patent. Despite this knowledge  
20 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
21 patent rights with an objectively high likelihood of infringement.

22 181. Alpha Modus is informed and believes that Stratacache has made no  
23 efforts to avoid infringement of the '550 Patent, despite its knowledge and  
24 understanding that its products and systems infringe the '550 Patent.

25 182. Therefore, Stratacache's infringement of the '550 Patent is willful and  
26 egregious, warranting an enhancement of damages.

27 183. As such, Stratacache has acted and continues to act recklessly, willfully,  
28 wantonly, deliberately, and egregiously in infringement of the '550 Patent, justifying

1 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
2 fees and costs incurred under 35 U.S.C. § 285.

3 **COUNT VIII**

4 **(INDUCED PATENT INFRINGEMENT OF THE '550 PATENT)**

5 184. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
6 set forth herein, the allegations of the preceding paragraphs.

7 185. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
8 at least one claim of the '550 Patent, at least as early as the filing of this Complaint,  
9 because it knowingly induces, aids, and directs others to use the Accused Products in  
10 a manner that infringes the '550 Patent.

11 186. Stratacache has implemented and utilized the Accused Products in its  
12 customers' stores, which practice the patented methods of the '550 Patent.

13 187. Stratacache's use of the Accused Products demonstrates specific intent to  
14 induce infringement of the '550 Patent. Stratacache encourages, directs, aids, and abets  
15 the use and operation of the Accused Products in a manner that infringes the '550  
16 Patent.

17 188. Stratacache's knowledge of the '550 Patent, combined with its ongoing  
18 making of, use of, sale of, and offers to sell of the Accused Products, demonstrates  
19 Stratacache's knowledge and intent that the Accused Products be used in a manner that  
20 infringes the '550 Patent.

21 189. Stratacache's actions and the manner in which the Accused Products are  
22 used in Stratacache's customers' stores, consistent with Stratacache's instructions,  
23 demonstrate Stratacache's specific intent to induce infringement of the '550 Patent.

24 190. Alpha Modus is informed and believes, and on that basis alleges, that  
25 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
26 its customers and staff, to infringe by practicing, either themselves or in conjunction  
27 with Stratacache, one or more claims of the '550 Patent.

28 191. As a direct and proximate result of Stratacache's induced infringement of

1 the '550 Patent, Alpha Modus has suffered and will continue to suffer damage.

2 192. Alpha Modus is entitled to recover from Stratacache compensation in the  
3 form of monetary damages suffered as a result of Stratacache's infringement in an  
4 amount that cannot be less than a reasonable royalty, together with interest and costs  
5 as fixed by this Court.

6 **COUNT IX**

7 **(DIRECT INFRINGEMENT OF THE '731 PATENT)**

8 193. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
9 set forth herein, the allegations of the preceding paragraphs.

10 194. Stratacache has made, used, offered for sale, and sold in the United States,  
11 products and systems that directly infringe the '731 Patent, including the Accused  
12 Products.

13 195. The Accused Products embody a method for obtaining an information  
14 analysis of the shopping activities of consumers, for tracking the location of consumers  
15 using information monitoring devices, and for providing product communications and  
16 store location information based on such analyses, as claimed in the '731 Patent.

17 196. The Accused Products utilize servers comprising one or more processors,  
18 and server-based databases and applications storing computer-executable instructions  
19 that, when executed, perform functions covered by at least Claim 1 of the '731 Patent.

20 197. The functions implemented by the Accused Products include analyzing  
21 gathered product interaction information from consumer shopping activities, tracking  
22 the consumer's location relative to retail stores, and generating real-time  
23 communications including store-specific promotions, coupons, advertising, and  
24 purchase options.

25 198. The Accused Products allow Stratacache to provide targeted  
26 communications to consumers, including coupons, marketing messages, and purchase  
27 options such as pickup, delivery, and reduced-price offers during limited promotional  
28 periods, all in accordance with the claimed inventions of the '731 Patent.

1 199. Stratacache has directly infringed the '731 Patent in violation of 35 U.S.C.  
2 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
3 Products that embody the patented inventions of at least Claim 1 of the '731 Patent.

4 200. The Accused Products satisfy each and every element of the asserted  
5 claims of the '731 Patent either literally or under the doctrine of equivalents.

6 201. Stratacache's infringing activities are and have been without authority or  
7 license under the '731 Patent.

8 202. As a direct and proximate result of Stratacache's infringement of the '731  
9 Patent, Alpha Modus has suffered and will continue to suffer damage.

10 203. Alpha Modus is informed and believes, and on that basis alleges, that  
11 Stratacache has been aware of the '731 Patent and its infringement thereof. Despite this  
12 knowledge, Stratacache has continued to make, use, sell, and offer for sale the Accused  
13 Products.

14 204. Alpha Modus is informed and believes that Stratacache knew or was  
15 willfully blind to the patented technology of the '731 Patent. Despite this knowledge  
16 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
17 patent rights with an objectively high likelihood of infringement.

18 205. Alpha Modus is informed and believes that Stratacache has made no  
19 efforts to avoid infringement of the '731 Patent, despite its knowledge and  
20 understanding that its products and systems infringe the '731 Patent.

21 206. Therefore, Stratacache's infringement of the '731 Patent is willful and  
22 egregious, warranting an enhancement of damages.

23 207. As such, Stratacache has acted and continues to act recklessly, willfully,  
24 wantonly, deliberately, and egregiously in infringement of the '731 Patent, justifying  
25 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
26 fees and costs incurred under 35 U.S.C. § 285.

**COUNT X**

**(INDUCED PATENT INFRINGEMENT OF THE '731 PATENT)**

1  
2  
3 208. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
4 set forth herein, the allegations of the preceding paragraphs, as set forth above.

5 209. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
6 at least one claim of the '731 Patent, at least as early as the filing of this Complaint,  
7 because it knowingly induces, aids, and directs others to use the Accused Products in  
8 a manner that infringes the '731 Patent.

9 210. Stratacache's customers have utilized the Accused Products in various  
10 industries including in retail stores, which practice the patented methods of the '731  
11 Patent.

12 211. Stratacache's use of the Accused Products demonstrates specific intent to  
13 induce infringement of the '731 Patent. Stratacache encourages, directs, aids, and abets  
14 the use and operation of the Accused Products in a manner that infringes the '731  
15 Patent.

16 212. Stratacache's knowledge of the '731 Patent, combined with its ongoing  
17 making of, use of, sale of, and offers to sell of the Accused Products, demonstrates  
18 Stratacache's knowledge and intent that the Accused Products be used in a manner that  
19 infringes the '731 Patent.

20 213. Stratacache's actions and the manner in which the Accused Products are  
21 used by Stratacache's customers, consistent with Stratacache's instructions,  
22 demonstrate Stratacache's specific intent to induce infringement of the '731 Patent.

23 214. Alpha Modus is informed and believes, and on that basis alleges, that  
24 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
25 its customers and staff, to infringe by practicing, either themselves or in conjunction  
26 with Stratacache, one or more claims of the '731 Patent.

27 215. As a direct and proximate result of Stratacache's induced infringement of  
28 the '731 Patent, Alpha Modus has suffered and will continue to suffer damage.

1 216. Alpha Modus is entitled to recover from Stratacache compensation in the  
2 form of monetary damages suffered as a result of Stratacache's infringement in an  
3 amount that cannot be less than a reasonable royalty, together with interest and costs  
4 as fixed by this Court.

5 **COUNT XI**

6 **(DIRECT INFRINGEMENT OF THE '121 PATENT)**

7 217. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
8 set forth herein, the allegations of the preceding paragraphs.

9 218. Stratacache has made, used, offered for sale, and sold in the United States,  
10 products and systems that directly infringe the '121 Patent, including the Accused  
11 Products.

12 219. The Accused Products embody a method for gathering information about  
13 shopping activities of consumers utilizing the Accused Products in a retail store setting,  
14 as claimed in the '121 Patent.

15 220. The Accused Products include the use of one or more information  
16 monitoring devices to gather information about a person at a retail store, in line with  
17 claim 1 of the '121 Patent.

18 221. The Accused Products identify and gather traffic information of the  
19 shoppers within the retail store.

20 222. The functions implemented by the Accused Products include gathering  
21 traffic information of the shoppers within the retail store, including movement of the  
22 shopper; gathering product interaction information of the products that the shopper  
23 interacts with in the store; and identifying the products that the shopper interacts with.

24 223. The Accused Products identify stops that the shopper makes within the  
25 retail store.

26 224. The Accused Products are capable of tracking the shopper to a point-of-  
27 sale area where the system interfaces with a payment system for payment of the  
28 products retained by the shopper for purchase.

1           225. Stratacache has directly infringed the '121 Patent in violation of 35 U.S.C.  
2 § 271(a) by making, using, offering for sale, selling, and/or operating the Accused  
3 Products that embody the patented inventions of at least Claim 1 of the '121 Patent.

4           226. The Accused Products satisfy each and every element of the asserted  
5 claims of the '121 Patent either literally or under the doctrine of equivalents.

6           227. Stratacache's infringing activities are and have been without authority or  
7 license under the '121 Patent.

8           228. As a direct and proximate result of Stratacache's infringement of the '121  
9 Patent, Alpha Modus has suffered and will continue to suffer damage.

10           229. Alpha Modus is informed and believes, and on that basis alleges, that  
11 Stratacache has been aware of the '121 Patent and its infringement thereof. Despite this  
12 knowledge, Stratacache has continued to make, use, sell, and offer for sale the Accused  
13 Products.

14           230. Alpha Modus is informed and believes that Stratacache knew or was  
15 willfully blind to the patented technology of the '121 Patent. Despite this knowledge  
16 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
17 patent rights with an objectively high likelihood of infringement.

18           231. Alpha Modus is informed and believes that Stratacache has made no  
19 efforts to avoid infringement of the '121 Patent, despite its knowledge and  
20 understanding that its products and systems infringe the '121 Patent.

21           232. Therefore, Stratacache's infringement of the '121 Patent is willful and  
22 egregious, warranting an enhancement of damages.

23           233. As such, Stratacache has acted and continues to act recklessly, willfully,  
24 wantonly, deliberately, and egregiously in infringement of the '121 Patent, justifying  
25 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
26 fees and costs incurred under 35 U.S.C. § 285.

**COUNT XII**

**(INDUCED PATENT INFRINGEMENT OF THE '121 PATENT)**

1  
2  
3 234. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
4 set forth herein, the allegations of the preceding paragraphs.

5 235. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
6 at least one claim of the '121 Patent, at least as early as the filing of this Complaint,  
7 because it knowingly induces, aids, and directs others to use the Accused Products in  
8 a manner that infringes the '121 Patent.

9 236. Stratacache has implemented and utilized the Accused Products in its  
10 customers' stores, which practice the patented methods of the '121 Patent.

11 237. Stratacache's use of the Accused Products demonstrates specific intent to  
12 induce infringement of the '121 Patent. Stratacache encourages, directs, aids, and abets  
13 the use and operation of the Accused Products in a manner that infringes the '121  
14 Patent.

15 238. Stratacache's knowledge of the '121 Patent, combined with its ongoing  
16 making of, use of, sale of, and offers to sell of the Accused Products, demonstrates  
17 Stratacache's knowledge and intent that the Accused Products be used in a manner that  
18 infringes the '121 Patent.

19 239. Stratacache's actions and the manner in which the Accused Products are  
20 used in Stratacache's customers' stores, consistent with Stratacache's instructions,  
21 demonstrate Stratacache's specific intent to induce infringement of the '121 Patent.

22 240. Alpha Modus is informed and believes, and on that basis alleges, that  
23 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
24 its customers and staff, to infringe by practicing, either themselves or in conjunction  
25 with Stratacache, one or more claims of the '121 Patent.

26 241. As a direct and proximate result of Stratacache's induced infringement of  
27 the '121 Patent, Alpha Modus has suffered and will continue to suffer damage.

28 242. Alpha Modus is entitled to recover from Stratacache compensation in the

1 form of monetary damages suffered as a result of Stratacache's infringement in an  
2 amount that cannot be less than a reasonable royalty, together with interest and costs  
3 as fixed by this Court.

4 **COUNT XIII**

5 **(DIRECT INFRINGEMENT OF THE '718 PATENT)**

6 243. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
7 set forth herein, the allegations of the preceding paragraphs.

8 244. Stratacache has made, used, offered for sale, and sold in the United States,  
9 products and systems that directly infringe the '718 Patent including the Accused  
10 Products.

11 245. The Accused Products embody a method for gathering information about  
12 shopping activities of consumers utilizing the Accused Products at a retail store, as  
13 claimed in at least Claim 1 of the '718 Patent.

14 246. The Accused Products utilize information monitoring devices, including  
15 video image devices and point-of-sale systems, that are operably connected to servers  
16 and databases to gather and analyze data on shoppers in real time.

17 247. The functions implemented by the Accused Products include gathering  
18 product information retained by the shopper while shopping, tracking the shopper to a  
19 point-of-sale area, and identifying products being provided for purchase at checkout  
20 using video imaging and related monitoring technologies.

21 248. The Accused Products generate and maintain lists of products retained and  
22 being purchased, compare the lists in real time, and utilize these comparisons to select  
23 sales associates for targeted customer engagement.

24 249. The Accused Products then send communications to sales associates  
25 containing gathered information and real-time analysis, enabling the associate to  
26 directly interact with the shopper in the retail store and assist in the purchasing process.

27 250. Stratacache has directly infringed the '718 Patent in violation of 35 U.S.C.  
28 § 154(d) by making, using, offering for sale, selling, and/or operating the Accused

1 Products that embody the patented inventions of at least Claim 1 of the '718 Patent.

2 251. The Accused Products satisfy each and every element of the asserted  
3 claim of the '718 Patent either literally or under the doctrine of equivalents.

4 252. Stratacache's infringing activities are and have been without authority or  
5 license under the '718 Patent.

6 253. As a direct and proximate result of Stratacache's infringement of the '718  
7 Patent, Alpha Modus has suffered and will continue to suffer damage.

8 254. Alpha Modus is informed and believes, and on that basis alleges, that  
9 Stratacache has been aware of the '718 Patent and its infringement thereof. Despite this  
10 knowledge, Stratacache has continued to make, use, sell, and offer for sale the Accused  
11 Products.

12 255. Alpha Modus is informed and believes that Stratacache knew or was  
13 willfully blind to the patented technology of the '718 Patent. Despite this knowledge  
14 or willful blindness, Stratacache has acted with blatant disregard for Alpha Modus's  
15 patent rights with an objectively high likelihood of infringement.

16 256. Alpha Modus is informed and believes that Stratacache has made no  
17 efforts to avoid infringement of the '718 Patent, despite its knowledge and  
18 understanding that its products and systems infringe the '718 Patent.

19 257. Therefore, Stratacache's infringement of the '718 Patent is willful and  
20 egregious, warranting an enhancement of damages.

21 258. As such, Stratacache has acted and continues to act recklessly, willfully,  
22 wantonly, deliberately, and egregiously in infringement of the '718 Patent, justifying  
23 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'  
24 fees and costs incurred under 35 U.S.C. § 285.

25 **COUNT XIV**

26 **(INDUCED PATENT INFRINGEMENT OF THE '718 PATENT)**

27 259. Alpha Modus repeats, realleges, and incorporates by reference, as if fully  
28 set forth herein, the allegations of the preceding paragraphs, as set forth above.

1           260. Stratacache is liable for indirect infringement under 35 U.S.C. § 271(b) of  
2 at least one claim of the '718 Patent, at least as early as the filing of this Complaint,  
3 because it knowingly induces, aids, and directs others to use the Accused Products in  
4 a manner that infringes the '718 Patent.

5           261. Stratacache's customers have utilized the Accused Products in various  
6 industries including in retail stores, which practice the patented methods of the '718  
7 Patent.

8           262. Stratacache's use of the Accused Products demonstrates specific intent to  
9 induce infringement of the '718 Patent. Stratacache encourages, directs, aids, and abets  
10 the use and operation of the Accused Products in a manner that infringes the '718  
11 Patent.

12           263. Stratacache's knowledge of the '718 Patent, combined with its ongoing  
13 use of the Accused Products, demonstrates Stratacache's knowledge and intent that the  
14 Accused Products be used in a manner that infringes the '718 Patent.

15           264. Stratacache's actions and the manner in which the Accused Products are  
16 used by Stratacache's customers, consistent with Stratacache's instructions,  
17 demonstrate Stratacache's specific intent to induce infringement of the '718 Patent.

18           265. Stratacache is informed and believes, and on that basis alleges, that  
19 Stratacache knew or was willfully blind to the fact that it was inducing others, including  
20 its customers and staff, to infringe by practicing, either themselves or in conjunction  
21 with Stratacache, one or more claims of the '718 Patent.

22           266. As a direct and proximate result of Stratacache's induced infringement of  
23 the '718 Patent, Alpha Modus has suffered and will continue to suffer damage.

24           267. Alpha Modus is entitled to recover from Stratacache compensation in the  
25 form of monetary damages suffered as a result of Stratacache's infringement in an  
26 amount that cannot be less than a reasonable royalty, together with interest and costs  
27 as fixed by this Court.  
28

1 **JURY DEMAND**

2 Alpha Modus hereby demands a trial by jury of all issues so triable pursuant to  
3 Rule 38 of the Federal Rules of Civil Procedure.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Alpha Modus prays for relief against Stratacache as follows:

- 6 (A) An entry of judgment that Stratacache has infringed and is directly  
7 infringing one or more claims of each of the '120 Patent, the '880 Patent,  
8 the '890 Patent, the '550 Patent, the '731 Patent, the '121 Patent, and the  
9 '718 Patent;
- 10 (B) An entry of judgment that Stratacache has infringed and is indirectly  
11 infringing one or more claims of each of the '120 Patent, the '880 Patent,  
12 the '890 Patent, the '550 Patent, the '731 Patent, the '121 Patent, and the  
13 '718 Patent;
- 14 (C) An entry of judgment that the '120 Patent, the '880 Patent, the '890 Patent,  
15 the '550 Patent, the '731 Patent, the '121 Patent, and the '718 Patent are  
16 valid and enforceable;
- 17 (D) An order pursuant to 35 U.S.C. § 283 permanently enjoining Stratacache,  
18 its officers, agents, servants, employees, attorneys, and those persons in  
19 active concert or participation with it, from further acts of infringement of  
20 '120 Patent, the '880 Patent, the '890 Patent, the '550 Patent, the '731  
21 Patent, the '121 Patent, and the '718 Patent;
- 22 (E) An order awarding damages sufficient to compensate Alpha Modus for  
23 Stratacache's infringement of the '120 Patent, the '880 Patent, the '890  
24 Patent, the '550 Patent, the '731 Patent, the '121 Patent, and the '718  
25 Patent; but in no event less than a reasonable royalty, together with interest  
26 and costs;
- 27  
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- 1 (F) A determination that Stratacache’s infringement has been willful, wanton,
- 2 deliberate, and egregious;
- 3 (G) A determination that the damages against Stratacache be trebled or for any
- 4 other basis within the Court’s discretion pursuant to 35 U.S.C. § 284;
- 5 (H) A finding that this case against Stratacache is “exceptional” and an award
- 6 to Alpha Modus of its costs and reasonable attorneys’ fees, as provided by
- 7 35 U.S.C. § 285;
- 8 (I) An accounting of all infringing sales and revenues of Stratacache, together
- 9 with post judgment interest and prejudgment interest from the first date of
- 10 infringement of the ’120 Patent, the ’880 Patent, the ’890 Patent, the ’550
- 11 Patent, the ’731 Patent, the ’121 Patent, and the ’718 Patent; and
- 12 (J) Such further and other relief as the Court may deem proper and just.

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Dated: November 21, 2025 PRINCE LOBEL TYE LLP

/s/ Matthew D. Vella  
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