



Provided by:  
Overhauser Law Offices LLC  
www.iniplaw.org  
www.overhauser.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

AGRI-LABS HOLDINGS LLC	)	
	)	
Plaintiff,	)	Civil Action No.: _____
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
TAPLOGIC, LLC	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Agri-Labs Holdings LLC (“Agri-Labs”), as and for its Complaint against Defendant TapLogic, LLC (“TapLogic”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by TapLogic of U.S. Patent No. 8,268,857.

**PARTIES**

2. Plaintiff Agri-Labs is a corporation organized and existing under the laws of the State of Indiana, having its principal place of business at 915 Cardinal Court, Auburn, Indiana 46706.

3. Upon information and belief, Defendant TapLogic, LLC is a limited liability company organized and existing under the laws of the State of Kentucky, having its principal place of business at 90 Spruce Street, Murray, Kentucky 42071.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant TapLogic because, *inter alia*, Defendant has done and continues to do business in the State of Indiana, and upon information and belief, Defendant has committed and continues to commit acts of patent infringement in the State of Indiana, including offering for sale, selling, making available, and shipping accused products and services to customers in Indiana via mail, via its website at [www.agphdsoiltest.com](http://www.agphdsoiltest.com), through the Android App store on Google Play, and through Apple's iTunes App Store all of which are available to residents in this judicial district. During its investigation into this matter, Agri-Labs purchased and installed products and services from Defendant accused of infringement herein in the State of Indiana and within this judicial district. Further, upon information and belief, TapLogic was marketing, promoting and selling its related Farm Logic products and services at the Fort Wayne Farm Show from January 13-15, 2015 at The Allen County War Memorial Coliseum.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, *inter alia*, Plaintiff's principal place of business is in this judicial district, the Patent-in-Suit, as defined below, is assigned to Plaintiff, Defendant is subject to personal jurisdiction in this district, and, upon information and belief, Defendants have committed and continue to commit acts of patent infringement in this district, including offering for sale and selling the accused products and services by mail and via its website at [www.agphdsoiltest.com](http://www.agphdsoiltest.com), through the Android App store on Google Play, and through Apple's iTunes App Store within this district.

#### **PATENT-IN-SUIT**

7. On October 16, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,286,857 (the "857 Patent" or the "Patent-in-Suit"), entitled

“Soil Sample Tracking System and Method,” based upon an application filed by inventor Tony Wayne Covely. A true and correct copy of the `857 Patent is attached hereto as Exhibit A.

8. The `857 Patent generally relates to a system and method for performing soil analysis that uses smart phones, applications for smart phones, soil containers having unique identifiers, and global positioning.

9. By assignment, Agri-Lags is the owner of the `857 Patent and has the right to sue and recover damages for infringement thereof.

### **FACTUAL ALLEGATIONS**

10. Upon information and belief, TapLogic is selling and offering for sale in the United States a product it refers to as the “Ag PhD Soil Test.”

11. According to online records, TapLogic is the owner of the domain name “www.agphdsoiltest.com” under which the infringing product and service is offered for sale and sold to customers. *See* Exhibit B.

12. TapLogic provides its customers with a plurality of soil containers that include a unique identifier.

13. TapLogic instructs customers to manually pull soil samples from a field and place the soil sample in a respective container.

14. TapLogic provides customers with an Android or Apple “Ag PhD” app that is configured to be installed on a smart phone or tablet.

15. The Ag PhD app allows the user to enter a farm/client name and a field identifier.

**Welcome to Ag PhD Soil Test!**

**Step 1: Download the mobile app**

The [Ag PhD Soil Test app](#) is available in the [iTunes App Store](#) and [Google Play Store](#).

You will use the same username and password you created during the signup process to login both here on the web, and on your mobile device.

**Step 2: Create your field boundaries**

Setting up your Farms/Fields is a two-step process. Start by naming your Farms. Then, setup and name the Fields for those Farms. **You can do both, on the web by clicking the Farms/Fields tab, or from the Ag PhD Soil Test app on your mobile device.** Remember to Save and Sync.

Before you can start testing your fields, you need to set up their boundaries. You can create fields here in the web app by clicking the [Farms/Fields tab](#), or from the Ag PhD Soil Test app on your mobile device. After you create the field, either draw a boundary for it on the web, or use the GPS functionality of your mobile device to walk or drive the boundary. Once you have created your field boundary, mark any features of your property such as a pond, building, ditch, or anything you want to note or exclude in your acreage by clicking Add.

**Step 3: Start Sampling!**

To create a new soil sample job, select your Farm/Field and set a grid. Select *Continue to Start Sampling* or *Save for Later* to sample at a later time.

When you are finished sampling, be sure to SYNC your mobile device to your Web Headquarters.

**Step 4: Ship and Get Results**

From your Web Headquarters, **print your shipping sheet and include it in the box with your samples.** Ship your samples and receive your results FAST! (5-7 days)

Feel free to contact Customer Support at 1-855-753-6633 or [support@agphd.com](mailto:support@agphd.com) for assistance.

16. The Ag PhD app includes software that is configured to allow the user to scan the barcode on the soil containers using their smart phone or tablet.

IN THE FIELD (on your smart phone or tablet)

- Sync your mobile devices to stay updated.
- Work without cellular service.
- Draw field boundaries with GPS.
- High contrast viewing option for better visibility in the sunlight.
- Create new soil sample jobs including setting grids for your field.
- Scan GPS referenced barcodes to simplify sampling.**
- Save time. Customers report easily sampling over 1000 acres per day.

AT YOUR DESK (on your Ag PhD Soil Test Web account)

- Create new soil sample jobs including setting grids for your field.
- Print shipping sheets to send to the lab with your samples.
- View and print lab results/analysis.
- View and print fertilizer recommendation maps.
- View and print aerial images of your fields.
- Order bags, boxes and shipping labels based on the estimated acreage to be tested.
- Generate Variable Rate Prescriptions and download recommendations and controller files.
- View complete history of your soil tests.
- Automatic data back-up.

Scan the QR code on the sample bag.

Scan

OR

Use Manual Number

17. The Ag PhD app obtains a GPS coordinate reading associated with a location in the field from where the soil sample is taken and associates the GPS coordinate reading with the soil container by way of the barcode contained on the soil container once it is scanned.

18. On December 4, 2014, Agri-Labs sent a letter to TapLogic attempting to amicably resolve this matter with TapLogic.

19. As of the filing of this Complaint, TapLogic has not meaningfully responded to Agri-Labs' letter.

**COUNT I**

**INFRINGEMENT OF THE `857 PATENT BY TAPLOGIC**

20. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

21. Upon information and belief, TapLogic has infringed one or more claims of the `857 Patent pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, products, services, and systems referred to as the Ag PhD Soil Test. Upon information and belief, TapLogic's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

22. Upon information and belief, TapLogic has induced infringement of one or more claims of the `857 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its customers and end users, to make, use, sell, and/or offer to sell in the United States, products, services, and systems, made in accordance with the `857 Patent, including, but not limited to the Ag PhD Soil Test, by, among other things, providing instructions, manuals, applications, soil containers, and technical assistance relating to the installation, set up, use, operation, and maintenance of the accused products, services, and systems. Upon information and belief, TapLogic's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

23. Upon information and belief, TapLogic has contributorily infringed and continues to contributorily infringe the `857 Patent by selling and/or offering to sell the Ag PhD Soil Test, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer or end user, can only be used in a way that infringes the `857 Patent. Upon information and belief, TapLogic's contributory infringement is ongoing.

24. Upon information and belief, TapLogic has committed the foregoing infringing activities without license from Agri-Labs.

25. As a result of TapLogic's infringement of the '857 Patent, Agri-Labs has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for TapLogic's infringement, but in no event less than a reasonable royalty, together with interest and costs.

26. Agri-Labs has suffered and will continue to suffer harm and damages in the future unless TapLogic's infringing activities are enjoined by this Court. As such, Agri-Labs is entitled to compensation for any continuing or future infringement up until the date that TapLogic is finally and permanently enjoined from further infringement.

#### **DEMAND FOR JURY TRIAL**

27. Agri-Labs demands a trial by jury of any and all causes of action.

#### **PRAYER FOR RELIEF**

Agri-Labs respectfully prays for the following relief:

- A. That TapLogic be adjudged to have infringed the '857 Patent;
- B. That TapLogic, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly and/or indirectly infringing the '857 Patent;
- C. An award of damages pursuant to 35 U.S.C. § 284 sufficient to compensate Agri-Labs for TapLogic's past infringement and any continuing and/or future infringement up until the date that TapLogic is finally and permanently enjoined from further infringement, including compensatory damages;

D. An assessment of pre-judgment and post-judgment interests and costs against TapLogic, together with an award of such interests and costs, in accordance with 35 U.S.C. § 284;

E. That TapLogic be directed to pay enhanced damages, including Agri-Labs' attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

F. That Agri-Labs be given such other and further relief as this Court may deem just and proper.

Dated: 1-22-15



Dean E. McConnell, Esq. Atty No. 20254-49  
DEAN MCCONNELL IP Law  
8038 N 600 W, Suite 200  
Indianapolis, IN 46055

Phone: (317) 653-2660

Fax: (317) 653-2661

Email: [dean@dean-mcconnell.com](mailto:dean@dean-mcconnell.com)