

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MOBILE LOGISTICS, LLC,

*Plaintiff*

v.

INTERNATIONAL AUDIO VISUAL,  
INC.,

*Defendant*

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Mobile Logistics, LLC (“Mobile Logistics” or “Plaintiff”), by way of its Complaint against Defendant International Audio Visual, Inc. (“Defendant”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement of United States Patent No. 5,999,091 arising under 35 U.S.C. § 271(a).

**THE PARTIES**

2. Plaintiff Mobile Logistics is a limited liability company organized under the laws of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant is a corporation organized under the laws of New Jersey with its principal place of business at 622 Route 10 West, Unit 21, Whippany, NJ 07981.

**JURISDICTION AND VENUE**

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

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, Defendant regularly conducts business in this judicial district and has committed acts of patent infringement in this judicial district including, *inter alia*, selling and offering to sell products and services and infringing methods and instrumentalities in this judicial district.

7. Upon information and belief, Defendant has ongoing and systematic contacts with this judicial district and the United States.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,999,091**

9. Mobile Logistics repeats and realleges the allegations of paragraphs 1 through 8 as though fully set forth herein.

10. On December 7, 1999, United States Patent No. 5,999,091 (“the ’091 Patent”), entitled “TRAILER COMMUNICATION SYSTEM,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’091 Patent is attached as Exhibit A to this Complaint.

11. Mobile Logistics is the assignee and owner of the right, title, and interest in and to the ’091 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

12. Upon information and belief, Defendant is and has been directly infringing the ’091 Patent in the United States at least by selling, offering to sell, and/or importing infringing Radio Frequency Identification (“RFID”) tag units for location on a trailer. Defendant has infringed and continues to infringe one or more claims of the ’091 Patent in this judicial district and elsewhere by selling, offering to sell, and/or importing products that infringe and/or perform

methods that infringe one or more claims of the '091 Patent (“Defendant’s Accused Products”). In particular, on information and belief, Defendant provides at least one infringing system, including, but not limited to, the Falken Secure Networks Inc.’s Yard Management Solution. The sale, offering for sale, and/or importing of such system constitutes direct infringement under at least 35 U.S.C. § 271(a) of one or more claims of the '091 Patent.

13. Defendant has had actual knowledge of the '091 Patent since April 9, 2013, the date it received a letter from Mobile Logistics notifying it of infringement of the '091 Patent.

14. Upon information and belief, Defendant has committed and continues to commit acts of contributory infringement of the '091 Patent under 35 U.S.C. § 271(c) by selling, offering to sell, and/or importing products including Defendant’s Accused Products, knowing or willfully blind to the fact that these products and services constitute a material part of the invention, were especially made or especially adapted for use in an infringement of the '091 Patent, and have no substantial non-infringing uses.

15. In particular, Defendant’s Accused Products constitute a material part of the claimed invention at least because the products include RFID tags for location on a trailer. Defendant’s Accused Products were made or especially adapted for use in an infringement of the '091 Patent and have no substantial non-infringing uses at least because they contain components whose only purpose is to monitor the location of trailers in a trucking yard through the use of RFID-tracking technology.

16. Upon information and belief, since at least the date it received notice that Defendant’s Accused Products infringed the '091 Patent, Defendant has induced and continues to induce others to infringe the '091 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent, actively and knowingly aiding and abetting others to infringe, including, but

not limited to, Defendant's customers whose use of Defendant's Accused Products constitutes direct infringement of the '091 Patent. In particular, Defendant acted with specific intent to make others, such as its customers, infringe by advertising and selling the products and providing information and/or materials demonstrating infringing uses of the products or services. On information and belief, Defendant engaged in such actions with specific intent to cause infringement, or with willful blindness to the resulting infringement, because Defendant has had actual knowledge of the '091 Patent and its acts were inducing its customers to infringe the '091 Patent since at least April 9, 2013.

17. Because of Defendant's infringement of the '091 Patent, Mobile Logistics has suffered damages and will continue to suffer damages in the future.

18. Defendant has had knowledge of the '091 Patent and its infringement of the '091 Patent since at least April 9, 2013.

19. Upon information and belief, Defendant has not altered its infringing conduct after receiving notice of the '091 Patent and Mobile Logistics' accusations of infringement.

20. Upon information and belief, Defendant's continued infringement despite its knowledge of the '091 patent and Mobile Logistics' accusations of infringement has been objectively reckless and willful.

#### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Mobile Logistics demands a trial by jury on all issues triable as such.

#### **PRAYER FOR RELIEF**

WHEREFORE, Mobile Logistics respectfully demands judgment for itself and against Defendant as follows:

A. An adjudication that Defendant has infringed the '091 Patent;

B. An award of damages to be paid by Defendant adequate to compensate Mobile Logistics for their past infringement of the '091 Patent and any continuing or future infringement of the '091 Patent through the date such judgment is entered, including pre-judgment and post-judgment interest, costs and expenses as justified under 35 U.S.C. § 284;

C. To the extent the Defendant's conduct subsequent to the date of their notice of the '091 patent is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '091 Patent;

D. An accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award of Mobile Logistics' damages for any such acts;

E. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Mobile Logistics' reasonable attorneys' fees; and

F. Such other and further relief at law or in equity as the Court deems just and proper.

Dated: May 20, 2013

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