

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

SONIC INDUSTRY, LLC,

Plaintiff,

v.

**UNITED PARCEL SERVICE OF
AMERICA, INC.,**

Defendant.

Civil Action No. 2:13-cv-1137

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Sonic Industry, LLC. (“Sonic” or “Plaintiff”) makes the following allegations against United Parcel Service of America, Inc. (“UPS” or “Defendant”):

PARTIES

1. Plaintiff Sonic is a Delaware limited liability company having a principal place of business at 3422 Old Capital Trail, PMB (STE) 1549, Wilmington, Delaware 19808-6192.

2. Defendant United Parcel Service of America, Inc. (“UPS”) is a Delaware company with its Corporate Headquarters at 55 Glenlake Parkway NE, Atlanta, GA 30328. Defendant engages in business in Texas but may be served with process by serving their registered agent, Corporation Service Company, 2711 Centerville RD STE 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 (b), (c), (d) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statue, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,954,793

6. Plaintiff is the owner by assignment of United States Patent No. 5,954,793 entitled "*Remote Limit Setting Information Distribution System*" (the "'793 patent"). A true and correct copy of the '793 Patent is attached as Exhibit A.

7. Upon information and belief, Defendant has been infringing the '793 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems and providing methods practiced on Defendant's various websites (including, without limitation, <http://www.investors.ups.com/phoenix.zhtml?c=62900&p=irol-alerts&t=&id=&> and related internal systems supporting the operation of said websites) covered by one or more claims of the '793 Patent to the injury of Sonic. Defendant has been directly infringing, literally infringing, and

infringing the '793 Patent under the doctrine of equivalents before March 9, 2013. Defendant is thus liable for infringement damages of the '793 Patent pursuant to 35 U.S.C. § 271(a).

8. On information and belief, to the extent any marking was required by 35 U.S.C. §287, all predecessors in interest to the '793 Patent complied with any such requirements.

9. As a result of Defendant's infringement of the '793 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment and award of damages in favor of Plaintiff that Defendant has infringed, directly, and jointly the '793 Patent;

2. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DATED December 26, 2013.

Respectfully submitted,

By: */s/ Austin Hansley*

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