

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STARTRAK INFORMATION TECHNOLOGIES,
LLC,

Plaintiff,

v.

MARK-IT SERVICES, INC. and WAM
TECHNOLOGIES LLC

Defendants.

C.A. No.

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff StarTrak Information Technologies, LLC, for its Complaint against Mark-It Services, Inc. and WAM Technologies LLC (collectively, “Defendants”), alleges as follows:

PARTIES

1. StarTrak Information Technologies, LLC (“STIT”) is a limited liability company formed under the laws of the State of Delaware, with its principal place of business at 395 W. Passaic Street, Suite 325, Rochelle Park, New Jersey 07662.

2. Defendant Mark-It Services, Inc. (“Mark-It”) is a corporation organized under the laws of the State of Pennsylvania, with a principal place of business at 668 Route 70 West, Lakehurst, New Jersey 08733. Mark-It does business throughout the country and in the State of Delaware and is subject to the jurisdiction of this Court.

3. Defendant WAM Technologies LLC (“WAM”) is a limited liability company organized under the laws of the State of Florida, with a principal place of business at 16101 Coco Hammock Way, Fort Myers, Florida 33908. On information and belief, WAM is a subsidiary of

Mark-It Services, Inc. WAM does business throughout the country and in the State of Delaware and is subject to the jurisdiction of this Court.

JURISDICTION AND VENUE

4. This is a complaint for infringement of United States patents under 35 U.S.C. §§ 271 and 281.

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

6. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

7. This Court has personal jurisdiction over Defendants because Defendants, on information and belief, have jointly and severally committed acts within Delaware that give rise to this action, and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and justice.

PATENTS IN SUIT

8. On March 5, 2013, the United States Patent and Trademark Office issued U.S. Patent No. 8,390,464 (“the ‘464 Patent”) entitled “*Integrating Refrigerated Transport Operations and Logistics by Creating Operational States via Wireless Communications*” to Timothy Slifkin, Thomas Robinson and Venkateswaran Karuppanan. A copy of the ‘464 Patent is attached as Exhibit A. The entire right, title and interest to the ‘464 Patent has been assigned to STIT. STIT is the owner and possessor of all rights pertaining to the ‘464 Patent.

9. On September 18, 2001, the United States Patent and Trademark Office issued U.S. Patent No. 6,292,724 (“the ‘724 Patent”) entitled “*Method of and System and Apparatus for*

Remotely Monitoring the Location, Status, Utilization and Condition of Widely Geographically Dispersed [sic] Fleets of Vehicular Construction Equipment and the Like and Providing and Displaying such Information” to Sheldon Aspell, Carlos A. Barberis, Thomas Alborough, George Shinopoulos and Steven Rothman. A copy of the ‘724 Patent is attached as Exhibit B. The entire right, title and interest to the ‘724 Patent has been assigned to STIT. STIT is the owner and possessor of all rights pertaining to the ‘724 Patent.

THE PRODUCTS AND SERVICES

10. STIT provides high-performance vertically integrated wireless information technology applications and solutions for the global transportation and maritime markets.

11. Through its branded service, ReeferTrak®, STIT serves in a global leadership role for providing wireless information technology solutions for the refrigerated transportation market. ReeferTrak® is an information technology service for operators of refrigerated transportation equipment that utilizes wireless logistical, monitoring and control applications to improve operational efficiency and the delivery of temperature controlled goods. Among other services, ReeferTrak® and its accompanying suite of data management services provide GPS tracking and monitoring, full two-way control and remote access functionality, and real-time monitoring of vehicle location, reefer temperatures, alarms, battery condition, fuel level, doors, and other features.

12. Each of the Patents in Suit is directed to a novel wireless and/or remote-based diagnostic monitoring system and methods used to monitor and report data from transport refrigeration units.

13. Each of the Patents in Suit is an invention embodied in STIT’s ReeferTrak® service and/or accompanying suite of data management services.

14. Upon information and belief, Defendants, and each of them, manufacture, sell and/or offer for sale at least the WAM-R, WAM-D, and WAM-G systems, which are fleet management systems that utilize wireless applications to control and monitor refrigerated transportation equipment.

15. Defendants, and each of them, are competitors of STIT, and STIT and Defendants vie for the same customers. As such, Defendants have much to gain, and STIT has much to lose, if STIT's patents are infringed by Defendants.

COUNT I
(Infringement of the '464 Patent)

16. STIT incorporates Paragraphs 1 through 15 as if fully set forth herein.

17. This cause of action for patent infringement arises under 35 U.S.C. § 271(a).

18. Upon information and belief, Defendants have, jointly and severally, directly infringed the '464 Patent by making, using, offering for sale, and/or selling in the United States, without authorization, monitoring and tracking systems for transport refrigeration units, including at least the WAM-R, WAM-D, and WAM-G systems.

19. As a result of Defendants' joint and several infringement of the '464 Patent, STIT has suffered irreparable harm for which STIT has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement will continue and result in further irreparable harm to STIT, a primary competitor in the marketplace.

20. Defendants' joint and several infringement of the '464 Patent has deprived, and will deprive, STIT of business, profits and/or royalties that it otherwise would have received.

COUNT II
(Infringement of the '724 Patent)

21. STIT incorporates Paragraphs 1 through 20 as if fully set forth herein.

22. This cause of action for patent infringement arises under 35 U.S.C. § 271(a).

23. Upon information and belief, Defendants have, jointly and severally, directly infringed the '724 Patent by making, using, offering for sale, and/or selling in the United States, without authorization, monitoring and tracking systems for transport refrigeration units, including at least the WAM-R, WAM-D, and WAM-G systems.

24. As a result of Defendants' joint and several infringement of the '724 Patent, STIT has suffered irreparable harm for which STIT has no adequate remedy at law. Unless enjoined by this Court, Defendants' infringement will continue and result in further irreparable harm to STIT, a primary competitor in the marketplace.

25. Defendants' joint and several infringement of the '724 Patent has deprived, and will deprive, STIT of business, profits and/or royalties that it otherwise would have received.

PRAYER FOR RELIEF

WHEREFORE, STIT demands judgment in its favor and against Defendants, and that this Court:

A. Preliminarily and permanently enjoin Defendants, and each of them, their officers, directors, agents, and employees, and all persons or entities in active concert or participation with any of them from infringing the '464 and '724 Patents;

B. Adjudge Defendants jointly and severally liable for the payment of the damages recoverable by STIT under 35 U.S.C. § 284 as a result of the wrongful making, using, and/or selling of STIT's invention as claimed in STIT's '464 and '724 Patents, the exact extent of which cannot now be determined by STIT;

C. Award STIT money damages under 35 U.S.C. § 284 sufficient to compensate STIT for the financial damage caused by Defendants' joint and several infringement;

- D. Award STIT reasonable attorney's fees under 35 U.S.C. § 285;
- E. Award STIT its costs and pre and post judgment interest in bringing the above captioned action; and
- F. Award STIT such other and further relief that may be authorized by statute or that the Court deems just and proper.

DEMAND FOR JURY TRIAL

STIT demands a trial by jury of all issues so triable in this action.

Date: May 22, 2014

FARNAN LLP

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