

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

ROGERS & BROWN CUSTOM)
BROKERS, INC.)

Plaintiff,)

Civil Action No. 2:14-cv-2420-RMG

v.)

ECLIPSE IP, LLC)

Defendant.)

COMPLAINT

Plaintiff Rogers & Brown Custom Brokers, Inc. brings this action against the Defendant Eclipse IP, LLC, and for its causes of action alleges:

NATURE OF THE ACTION

1. This is an action seeking a declaratory judgment that U.S. Patent No. 7,479,899, entitled “Notification Systems and Methods Enabling Response To Cause Connection Between A Notified PCD and A Delivery or Pickup Representative” (A true and correct copy of the ‘899 patent is attached as **Exhibit A**); U.S. Patent No. 7,876,239, entitled Secure Notification Messaging Systems and Methods Using Authentication Indicia (A true and correct copy of the ‘239 patent is attached as **Exhibit B**); and U.S. Patent No. 7,482,952 entitled Response systems and Methods for Notification Systems For Modifying Future Systems (A true and correct copy of the ‘952 patent is attached as **Exhibit C**) (referred to collectively as “the Eclipse patents”) are invalid and not infringed by Rogers & Brown Custom Brokers, Inc. The Eclipse patents are directed to data communications, information and messaging systems.

THE PARTIES

2. Plaintiff Rogers & Brown Custom Brokers, Inc. (“Rogers & Brown”) is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business at 2 Cumberland Street, Charleston, South Carolina 29401.

3. Upon information and belief, defendant Eclipse IP, LLC (“Eclipse”) is a limited liability corporation having an office at 711 SW 24th, Boynton Beach, Florida 33435.

JURISDICTION AND VENUE

4. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2202, and the patent laws of the United States, Title 35 U.S.C. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§1331, 1332 and 1338.

5. Venue in this District is proper under 28 U.S.C. §§1391 and 1400(b) and under 28 U.S.C. §1381(a)(2) because a substantial part of the events giving rise to this claim occurred in this District and Division since Plaintiff maintains its principle place of business here.

COUNT FOR DECLARATORY JUDGMENT

6. Paragraphs 1 through 5 are incorporated herein by reference as if fully alleged herein.

7. Rogers & Brown offers and sells customs brokerage and freight related services, and in the course of its business, among other things, it notifies clients of the status of shipments of goods, as it has since at least 1968.

8. Rogers & Brown received a letter from representatives of Defendant Eclipse dated May 23, 2014 alleging that Rogers & Brown tracking systems was

infringing representative claims of three of Eclipse's patents in connecting with Rogers & Brown's services to its clients. *See Exhibit D* at page 1.

9. The service of Rogers & Brown's relating to notification of the status of shipments does not infringe directly or by the doctrine of equivalents any valid claim of the Eclipse patents.

10. Each of the claims in the Eclipse patents is invalid for failure to comply with one or more of the requirements of Title 35, United States Code, including but limited to 35 U.S.C. §§102, 103 and 112.

WHEREFORE, Rogers & Brown prays for judgment and relief against Defendant, as follows:

A. A Declaratory Judgment that Rogers & Brown is not liable for directly, contributorily or inducing infringement of any claim of the Eclipse patents;

B. A Declaratory Judgment that each of the claims of the Eclipse patents is invalid;

C. An injunction requiring that Eclipse directly or indirectly, be enjoined from threatening or charging infringement of the Eclipse patents, or instituting any action for infringement of that patent, against Rogers & Brown, of any of its customers, suppliers, distributors or users of their services;

D. Compensatory and punitive damages sufficient to Rogers & Brown and deter Eclipse from further tortuous action;

E. Rogers & Brown's costs and reasonable attorneys fees incurred in this action; and

F. Such further relief as the Court may deem just and proper.

BARNWELL WHALEY PATTERSON
& Helms LLC

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