

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

WIRELESS MEDIA INNOVATIONS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 14-1378-SLR
	§	
PCI OF VIRGINIA, LLC,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

PLAINTIFF’S AMENDED COMPLAINT

Plaintiff Wireless Media Innovations, LLC (“WMI”), by way of this Amended Complaint against Defendant PCI of Virginia, LLC, hereby alleges as follows:

THE PARTIES

1. Plaintiff WMI is a limited liability company organized under the laws of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.
2. Upon information and belief Defendant is a limited liability company organized under the laws of Delaware with its principal place of business at 529 Terminal Avenue, New Castle, Delaware, 19720 with a registered agent for service of process at RL&F Service Corp., 920 N. King St. Fl. 2, Wilmington, Delaware, 19801.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. WMI seeks remedies for Defendant’s infringement of WMI’s U.S. Patent No. 5,712,789.
4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant by virtue of, inter alia, its presence in Delaware, having conducted business within the State of Delaware and this Judicial District, having engaged in systematic and continuous contacts with the State of Delaware, and maintaining a place of business in Delaware. In particular, Defendant is registered to do business in the State of Delaware and has thereby intentionally availed itself of the privileges and protection of Delaware State laws.

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

BACKGROUND

7. On January 27, 1998 United States Patent No. 5,712,789, entitled “CONTAINER MONITORING SYSTEM AND METHOD,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’789 Patent is attached as Exhibit A to this Complaint.

8. The ’789 Patent describes a particular container monitoring system that tracks the location and load status of containers within a premises. (’789 Patent at Abstract.) The focus of the patent is on the physical implementation of the monitoring system, as opposed to the idea of monitoring containers. For example, in its background, the ’789 Patent explains that one of the problems in the prior art is the inadequate use of computer technology:

Information is critical to every business. Businesses can increase efficiency and profitability by acquiring and making use of greater amounts of information. In highly dynamic businesses such as shipping and continuous assembly manufacturing, the value of information is inversely proportional to the age of the information. *With the advent of the computer, information acquisition, management and usage has dramatically improved in all areas of human activity. In many areas, potentially valuable information which is readily available is not gathered and used to the extent possible, simply because no one has devised ways to acquire, manage and use such information.*

(’789 Patent at 1:13-24 (emphasis added).)

9. To address this problem, the patent teaches how to implement a specialized system to track containers, including technical details such as what tools and components to use. For example, the patent teaches the use of RF optical scanners as a means to capture container identification information. (*Id.* at 5:25-32.) The captured information is maintained in a database on a mainframe computer, which keeps track of the container data. (*Id.* at 5:2-9.) The inventive system communicates with switching vehicles, and employs specialized software to send instructions to and receive information from the switching vehicles via data transceivers. (*Id.* at 7:35-37.) Using additional specialized software, the monitoring system can analyze the monitored data to detect process inefficiencies, create schedules, and generate reports. (*Id.* at 2:20-40, 5:48-51, 7:49-8:2, 8:3-42, 8:43-64, 8:65-9:7.)

10. The '789 Patent combines all of these technologies in a way that had not been done in the prior art to create a tangible, specialized system to track containers.

11. The inventions of the '789 Patent add inventive subject matter to the merchant customs of the prior art, which were largely paper-driven processes.

12. The technological components used to build the inventive system in the patent are part of the inventions in the '789 Patent, and are essential inventive subject matter. They are not merely a drafting effort designed to convert an underlying idea to a tangible system.

13. For example, under plausible constructions, claim 1 of the '789 Patent requires at least the following essential, tangible components:

- a bounded area with an entry point;
- specialized equipment, devices, and software to identify container identification codes;

- specialized switching vehicles that are capable of receiving instructions from the facility; and
- specialized equipment, devices, and software to record the location and load status of containers.

14. As another example, under plausible constructions, claim 2 of the '789 Patent requires at least a "container monitoring control system," which is a piece of specialized software programmed to receive, store, and reproduce container identification codes and container location data. This additional component is an essential part of the inventive subject matter of claim 2. It is not a generic component. Because of this additional component, the claimed subject matter of claim 2 is not substantially similar to that of claim 1.

15. As another example, under plausible constructions, claim 8 of the '789 Patent requires at least mobile telecommunications equipment and software associated with the switching vehicle. This equipment makes the switching vehicles specialized equipment in the context of claim 8. The equipment is essential to the inventive subject matter of claim 8. It is not a generic component. Because of this additional component, the claimed subject matter of claim 8 is not substantially similar to that of claim 1.

16. On information and belief, the '789 Patent's inventor will provide testimony in support of the patent's validity under 35 U.S.C. §§ 101, 102, 103 and 112. Such testimony will include testimony in support of WMI's allegations in paragraphs 7-15.

17. WMI is the assignee and owner of the right, title, and interest in and to the '789 Patent, including the right to assert all causes of action arising under the '789 Patent and the right to any remedies for infringement thereof.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,712,789

18. WMI realleges and incorporates by reference the allegations of paragraphs 1 through 17 of this Complaint as though fully set forth herein.

19. Defendant has built and currently operates a system for monitoring and recording locations and load status of shipping containers within a facility (“Accused System”), in accordance with for example claim 1 of the ’789 Patent. In particular, Defendant’s Accused System includes a bounded area for receiving shipping containers, specialized equipment, devices, and software at an entry point to identify pre-existing container identification codes, switching vehicles with equipment, devices, and software to receive instructions from the facility, and additional specialized equipment, devices, and software to capture and record container location and load status information.

20. As part of the Accused System, Defendant uses at least one terminal operating system and operative methods associated therewith to monitor the locations and load statuses of containers at Richmond Marine Terminal. The terminal operating system includes specialized software to carry out some of the relevant functionalities of the Accused System. On information and belief, Defendant’s terminal operating system includes the Navis SPARCS N4 system, provided by Navis, LLC.

21. At least by Defendant’s creation and use of its Accused System, Defendant has infringed and continues to infringe the ’789 Patent, either literally or under the doctrine of equivalents, without authorization, in the United States in violation of 35 U.S.C. § 271(a).

22. The infringement of the ’789 Patent by Defendant has caused and continues to cause damage to WMI in an amount to be determined at trial.

JURY DEMAND

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

PRAYER FOR RELIEF

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

- a. an adjudication that Defendant has directly infringed the '789 Patent pursuant to 35 U.S.C. § 271(a);
- b. an adjudication requiring Defendant to pay WMI damages adequate to compensate WMI for its past infringement and any continuing or future infringement of the '789 Patent through the date such judgment is entered, costs, expenses, and pre-judgment and post-judgment interest;
- c. an adjudication that WMI's Patent Infringement case is an exceptional case, and awarding WMI attorneys' fees pursuant to 25 U.S.C. § 285;
- d. an accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award of WMI's damages for any such acts; and
- e. such other and further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

Dated: March 25, 2015

/s/ Stamatios Stamoulis
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