

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

LOGITRAQ, LLC,

Plaintiff,

v.

CON-WAY FREIGHT INC.,

Defendant.

Case No. 6:15-cv-443

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Logitraq, LLC files this Complaint against Defendant Con-Way Freight Inc., for infringement of United States Patent Nos. 6,556,905 (the “‘905 Patent”) and 6,975,222 (the “‘222 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Logitraq, LLC (“Plaintiff” or “Logitraq”) is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 719 W. Front Street, Suite 211, Tyler, Texas 75702.

4. Upon information and belief, Defendant Con-Way Freight Inc. (“Defendant”), is a Delaware corporation with a principal office located at 2211 Old Earhart Rd., Ann Arbor, Michigan 48105. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted

business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas. Specifically, and without limitation, Defendant has obtained a license and certification from the Texas Department of Motor Vehicles to operate commercial motor vehicles in Texas. Defendant's U.S. Department of Transportation number is 241829, and Defendant's Texas DMV Certificate number is 0000002329.

5. On information and belief, Defendant's systems that gather and process information concerning the operation of its commercial motor vehicles, which are alleged herein to infringe, were and continue to be used in the Eastern District of Texas.

6. In order to achieve compliance with federal and state regulations, and to obtain and maintain a competitive advantage in the marketplace, Defendant relies on integrated technology systems that gather and process information concerning the operation of its commercial motor vehicles. These integrated systems allow Defendant to achieve compliance with certain federal and state regulations, such hours of service requirements (*see* 49 C.F.R. §395, *et seq.*). These systems also allow crucial business decisions to be made based upon the information gathered and tracked by the systems and therefore allow Defendant to obtain and maintain a competitive advantage in the marketplace.

7. For example, 49 C.F.R. §395.15 discusses "Automatic on-board recording devices." 49 C.F.R. §395.15(a) describes that a motor carrier such as Defendant may use an "automatic on-board recording device" to record drivers' hours of service. 49 C.F.R. §395.15(b) requires that automatic on-board recording devices "shall produce, upon demand, a driver's hours of service chart, electronic display, or printout showing the time and sequence of duty status changes including the drivers' starting time at the beginning of each day." 49 C.F.R. §395.15(b)(2)

further requires that the automatic on-board recording device “shall provide a means whereby authorized officials can immediately check the status of a driver’s hours of service.”

8. In addition, 49 C.F.R. §395.16 discusses “Electronic on-board recording devices.” 49 C.F.R. §395.16(b) discusses that an electronic on-board recording device “must record the following information: (1) Name of driver and any co-driver(s), and corresponding driver identification information ...; (2) Duty status; (3) Date and time; (4) Location of CMV [Commercial Motor Vehicle]; (5) Distance traveled; [and] (6) Name and USDOT Number of motor carrier.” 49 C.F.R. §395.16(f) further discusses that “[i]nformation used to determine the location of the CMB must be derived from a source not subject to alteration by the motor carrier or driver.”

9. Defendant uses, and makes or has made, automatic on-board recording devices. Further, upon information and belief, Defendant uses, and makes or has made, electronic on-board recording devices.

10. The automatic on-board recording devices used by Defendant provide functionality that greatly exceeds the requirements of 49 C.F.R. §§395.15 and 395.16. Indeed, the phrase “On-Board Recording Device” encompasses several components of hardware and software that create an integrated system used by motor carriers for multiple business purposes beyond hours-of-service compliance. There is no single “On-Board Recording Device,” but rather multiple systems, such as GPS, Engine Control Module, Event Data Recorder, Network Communications Systems, and Carrier Dispatch / Fleet Management Systems, which all work together as part of the “On-Board Recording Device.”

11. The following diagram depicts the typical configuration of an “On-Board Recording Device” system:

HOW DOES IT WORK?



12. These integrated technology systems of Defendant, including the methods practiced by such systems, are the “Accused Instrumentalities” in this case.¹

VENUE

13. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

COUNT I (INFRINGEMENT OF UNITED STATES PATENT NO. 6,556,905)

14. Plaintiff incorporates paragraphs 1 through 13 herein by reference.

15. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

¹ The Accused Instrumentalities are not intended to include, and specifically exclude, products and services of third parties that have been previously licensed by Logitraq. Logitraq does not assert any claims that rely on products or services of third parties that are licensed, and Logitraq does not seek any damages for products or services of third parties that are licensed.

16. Plaintiff is the owner by assignment of the '905 Patent with sole rights to enforce the '905 Patent and sue infringers.

17. A copy of the '905 Patent, titled "Vehicle Supervision and Monitoring," is attached hereto as Exhibit A.

18. The '905 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

19. The '905 Patent is a prominent patent in the field of vehicle supervision and monitoring. This is evidenced in part by the extent to which the '905 Patent has been forward-cited as prior art in connection with the examination of subsequently-issued U.S. patents. The '905 Patent has been forward-cited in more than 50 subsequently-issued U.S. patents to date, including patents originally assigned to such prominent companies as IBM, Robert Bosch, Ford, and Progressive Insurance.

(Direct Infringement)

20. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '905 Patent, including at least claim 20, by using, making, and/or having made the Accused Instrumentalities as described in paragraphs 6 through 12 above.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

COUNT II
(INFRINGEMENT OF UNITED STATES PATENT NO. 6,975,222)

23. Plaintiff incorporates paragraphs 1 through 13 herein by reference.

24. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

25. Plaintiff is the owner by assignment of the '222 Patent with sole rights to enforce the '222 Patent and sue infringers.

26. A copy of the '222 Patent, titled "Asset Tracking Apparatus and Method," is attached hereto as Exhibit B.

27. The '222 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

28. The '222 Patent has been recognized as being a meaningful patent in the field of asset tracking. This is evidenced in part by the extent to which the '222 Patent has been forward-cited as prior art in connection with the examination of subsequently-issued U.S. patents. The '222 Patent has been forward-cited in more than 10 subsequently-issued U.S. patents to date, including a patent originally assigned to MIT.

(Direct Infringement)

29. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '222 Patent, including at least claim 5, by using, making, and/or having made the Accused Instrumentalities as described in paragraphs 6 through 12 above.

30. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

31. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 6,556,905 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 6,975,222 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- d) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- e) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- f) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- g) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 23, 2015

Respectfully submitted,

/s/ Craig Tadlock
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