

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

SHIPPING and TRANSIT, LLC,

Plaintiff,

vs.

TAG HEUER USA,

Defendant.

Miami Division

Case No. _____

DEMAND FOR JURY TRIAL

_____ /

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Shipping and Transit, LLC, by and through its undersigned counsel, hereby sues Defendant, TAG HEUER USA (“TAG”), and in support, alleges as follows:

NATURE OF THE LAWSUIT

1. This is an action for patent infringement of United States Patent Numbers: 7,400,970; 6,904,359; 6,975,998; and, 7,030,781, arising under the patent laws of the United States, Title 35 of the United States Code.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1338; and 35 U.S.C. § 271.

3. This Court has personal jurisdiction over TAG pursuant to, *inter alia*, Florida’s long-arm statute, § 48.193, in that TAG: (a) operates, conducts, engages in, and/or carries on a business or business adventure(s) in Florida and/or has an office or agency in Florida; (b) has committed one or more tortious acts within Florida; (c) was and/or is engaged in substantial and not isolated activity within Florida; and/or (d) has purposely availed itself of Florida’s laws,

services and/or other benefits and therefore should reasonably anticipate being hailed into one or more of the courts within the State of Florida.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400.

THE PLAINTIFF

5. Plaintiff, Shipping and Transit, LLC, is a Florida Limited Liability Company with a principal place of business located in Boynton Beach, Florida.

THE DEFENDANT

6. Defendant, TAG, is a New Jersey Corporation with a principal place of business located in Springfield, New Jersey. TAG has many customers in Florida and within this Judicial District. The products and services infringing the patents in suit include electronic notifications sent to customers within Florida and specifically this Judicial District. In addition, TAG sends physical products to Florida and within this Judicial District. It sells products in this State and has offices and agents in this State. Thus, TAG transacts business in Florida and within this Judicial District, and has, at a minimum, offered to provide and/or has provided to customers within this Judicial District and throughout the State of Florida services and/or products that infringe claims of the ‘359, ‘998, ‘781, and ‘970 patents.

THE PLAINTIFF’S PATENTS

7. Plaintiff owns all rights, titles and interests in, and/or has standing to sue for infringement of United States Patent Number 7,030,781 (“the ‘781 patent”), entitled “Notification System and Method that Informs a Party of Vehicle Delay”, issued April 18, 2006. A copy of the ‘781 patent is attached hereto as Exhibit 1.

8. Plaintiff owns all rights, titles and interests in, and/or has standing to sue for infringement of United States Patent Number 6,975,998 (“the ‘998 patent”), entitled “Package

Delivery Notification System and Method”, issued December 13, 2005. A copy of the ‘998 patent is attached hereto as Exhibit 2.

9. Plaintiff owns all rights, titles and interests in, and/or has standing to sue for infringement of United States Patent Number 7,400,970 (“the ‘970 patent”), entitled “System and Method for an Advance Notification System for Monitoring and Reporting Proximity of a Vehicle”, issued July 15, 2008. A copy of the ‘970 patent is attached hereto as Exhibit 3.

10. Plaintiff owns all rights, titles and interests in, and/or has standing to sue for infringement of United States Patent Number 6,904,359 (“the ‘359 patent”), entitled “Notification System and Methods with User-Defineable Notifications Based Upon Occurrence of Events”, issued June 7, 2005. A copy of the ‘359 patent is attached hereto as Exhibit 4.

11. The ‘781 patent referenced in Paragraph 7 above was the subject of an Ex Parte Reexamination at the United States Patent and Trademark Office. A Re-Examination Certificate was issued on July 2, 2013 and is attached hereto as Exhibit 5.

12. The ‘359 patent referenced in Paragraph 10 above was the subject of an Inter Partes Reexamination at the United States Patent and Trademark Office. A Reexamination Certificate was issued on May 25, 2010 and is attached hereto as Exhibit 6.

COUNT I
DIRECT PATENT INFRINGEMENT

13. Plaintiff hereby incorporates Paragraphs 1 through 12 set forth above as if fully set forth herein.

14. Pursuant to 35 U.S.C. § 271(a), TAG has directly infringed claims of the ‘359, ‘998, ‘781, and ‘970 patents through, among other activities, products, programs, applications, functions, systems and methods, the use of tracking and notification technologies within its “ADVANCE SHIP NOTICE” and “SHIPPING CONFIRMATION EMAIL” services that

are protected within the '359, '998, '781, and '970 patents, as every claim limitation, or its equivalent, is found in these functions, applications, solutions, devices, programs, products, services, methods and/or systems.

15. TAG'S direct infringement has injured and will continue to injure Plaintiff unless and until a monetary judgment is entered in favor of Plaintiff and/or the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '359, '998, '781, and '970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment against TAG and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with TAG, granting the following relief:

A. An award of damages against TAG adequate to compensate Plaintiff for the infringement that has occurred with respect to TAG, together with prejudgment interest from the date that TAG'S infringement of the patents at issue began;

B. Increased damages as permitted pursuant to 35 U.S.C. § 284;

C. A finding that this case is exceptional and award to Plaintiff its attorney's fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction against TAG prohibiting further infringement of the patents at issue; and,

E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT II **INDIRECT PATENT INFRINGEMENT**

16. Plaintiff hereby incorporates Paragraphs 1 through 15 set forth above as if fully set forth herein.

17. Pursuant to 35 U.S.C. §§ 271(b) and (c), TAG has indirectly infringed claims of the '359, '998, '781, and '970 patents through, among other activities, products, programs, applications, functions, systems and methods, the use of tracking and notification technologies within its **“ADVANCE SHIP NOTICE”** and **“SHIPPING CONFIRMATION EMAIL”** services that are protected within the '359, '998, '781, and '970 patents, as TAG actively and intentionally induced infringement with knowledge that the induced acts constituted infringement, or acted with willful blindness; and/or contributed to infringement by one or more third parties as TAG had knowledge, rather than intent, that its activity caused such infringement.

18. TAG'S contributory infringement and/or inducement to infringe has injured and will continue to injure Plaintiff unless and until a monetary judgment is entered in favor of Plaintiff and/or the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '359, '998, '781, and '970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment against TAG and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with TAG, granting the following relief:

A. An award of damages against TAG adequate to compensate Plaintiff for the infringement that has occurred with respect to TAG, together with prejudgment interest from the date that TAG'S infringement of the patents at issue began;

B. Increased damages as permitted pursuant to 35 U.S.C. § 284;

C. A finding that this case is exceptional and award to Plaintiff its attorney's fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction against TAG prohibiting further infringement of the patents at issue; and,

E. All other relief as the Court or a jury may deem proper and just in this instance.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: April 30, 2015.

Respectfully submitted,

/s/ William R. McMahon
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