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8 *Attorneys for Plaintiff Shipping and Transit, LLC*

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 SHIPPING AND TRANSIT LLC, a
12 Florida Limited Liability Corporation,

13 Plaintiff,

14 vs.

15 C3 CONCEPTS, INC., a New York
16 Corporation; and DOES 1 through 10,
17 Inclusive,

18 Defendants.
19
20

Case No. 2:15-cv-6675

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Complaint Filed: N/A

Trial Date: N/A

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 For its Complaint, Plaintiff Shipping and Transit, LLC (“Plaintiff”), by and
3 through the undersigned counsel, alleges as follows:

4 **THE PARTIES**

5 1. Plaintiff is a company organized and existing under the laws of Florida and
6 having an address at 711 SW 24th, Boynton Beach, Florida 33435.

7 2. On information and belief, defendant C3 Concepts, Inc. (“Defendant”) is a
8 corporation existing under the laws of New York.

9 3. The true names and capacities of the Defendants sued herein as DOES 1
10 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such
11 Defendants by fictitious names. Each of the Defendants designated herein as a DOE is
12 legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of
13 Court to amend this Complaint to reflect the true names and capacities of the DOE
14 Defendants when such identities become known.

15 **JURISDICTION AND VENUE**

16 4. This is a suit for patent infringement arising under the patent laws of the
17 United States, Title 35 of the United States Code § 1 *et seq.*

18 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
19 1338(a).

20 6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and
21 1400(b).

22 7. Upon information and belief, Defendant conducts substantial business in
23 this forum, directly or through intermediaries, including: (i) at least a portion of the
24 infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in
25 other persistent courses of conduct and/or deriving substantial revenue from goods and
26 services provided to individuals in this forum.

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THE PATENT-IN-SUIT

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2 8. On July 15, 2008, United States Patent No. 7,400,970 (“the ’970 Patent”),
3 entitled, “System and method for an advance notification system for monitoring and
4 reporting proximity of a vehicle” was duly and legally issued by the United States
5 Patent and Trademark Office. A true and correct copy of the ’970 Patent is attached as
6 Exhibit A to this complaint.

7 9. Plaintiff is the assignee and owner of the right, title and interest in and to
8 the ’970 Patent including the right to assert all causes of action arising under said
9 patents and the right to any remedies for infringement of them.

10 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,400,970**

11 10. Plaintiff repeats and realleges the allegations of paragraphs 1 through 9 as
12 if fully set forth herein.

13 11. Without license or authorization and in violation of 35 U.S.C. § 271(a),
14 Defendant has infringed and continues to infringe the ’970 Patent by making, using,
15 offering for sale and/or selling within this district and elsewhere in the United States a
16 computer based notification system that enables communication with a user that is
17 designed to receive delivery of a package and provides a means for requesting entry by
18 user of a package identification number.

19 12. Plaintiff is entitled to recover from Defendant the damages sustained by
20 Plaintiff as a result of Defendant’s infringement of the ’970 Patent in an amount subject
21 to proof at trial, which, by law, cannot be less than a reasonable royalty, together with
22 interest and costs as fixed by this Court under 35 U.S.C. § 284.

23 13. Prior to the filing of this Complaint, Plaintiff, by letter dated June 10,
24 2015, informed Defendant of Defendant’s infringement of the ’970 Patent.

25 14. Thus, Defendant has been on notice of the ’970 Patent since at least the
26 date it received Plaintiff’s letter dated June 10, 2015.

27 15. Upon information and belief, Defendant has not altered its infringing
28 conduct after receiving Plaintiff’s letter dated June 10, 2015.

1 16. Upon information and belief, Defendant's continued infringement despite
2 its knowledge of the '970 Patent and the accusations of infringement has been
3 objectively reckless and willful.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff requests that this Court enter judgment against
7 Defendant as follows:

8 A. An adjudication that Defendant has infringed the '970 patent;

9 B. An award of damages to be paid by Defendant adequate to compensate
10 Plaintiff for Defendant's past infringement of the '970 patents and any continuing or
11 future infringement through the date such judgment is entered, including interest, costs,
12 expenses and an accounting of all infringing acts including, but not limited to, those
13 acts not presented at trial;

14 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an
15 award of Plaintiff's reasonable attorneys' fees;

16 D. To the extent Defendant's conduct subsequent to the date of its notice of
17 the '970 patent is found to be objectively reckless, enhanced damages pursuant to 35
18 U.S.C. § 284 for its willful infringement of the '970 patent; and

19 E. An award to Plaintiff of such further relief at law or in equity as the Court
20 deems just and proper.

21
22 Respectfully submitted this 1st day of September, 2015

23 NEWPORT TRIAL GROUP

24
25 By: /s/ Tyler J. Woods

26 Tyler J. Woods
27 Attorney for Plaintiff
Shipping and Transit, LLC

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Respectfully submitted this 1st day of September, 2015

NEWPORT TRIAL GROUP

By: /s/ Tyler J. Woods

Tyler J. Woods
Attorney for Plaintiff
Shipping and Transit, LLC