

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

SHIPPING and TRANSIT, LLC,

Plaintiff,

Case No. _____

vs.

DEMAND FOR JURY TRIAL

IDEELI, INC.,

Defendant.

_____ /

COMPLAINT FOR PATENT INFRINGEMENT

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

NATURE OF THE LAWSUIT

1. This is an action for patent infringement of United States Patent Number 7,400,970 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 IDEELI pursuant to, *inter alia*, Florida’s long-arm statute, § 48.193, in that IDEELI: (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, IDEELI, is a Delaware Corporation with a principal place of business in New York, New York. Upon information and belief, IDEELI, transacts business in Florida and within this Judicial District through use of its electronic tracking, text, email and other messaging to customers within this State and 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 7,400,970.

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 7,400,970 (“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 1.

COUNT I
DIRECT PATENT INFRINGEMENT

8. Plaintiff hereby incorporates Paragraphs 1 through 7 set forth above as if fully set forth herein.

9. Pursuant to 35 U.S.C. § 271(a), IDEELI has directly infringed claims of the 7,400,970 patent through, among other activities, products, programs, applications, functions, systems and methods, the use of tracking and notification technologies within its “**ADVANCE SHIP NOTICE**” (“Please note that that information is also listed on the *order confirmation email* that we sent you after the order was

placed...as stated the order confirmation email that we [ideel.com] sent you shows the correct delivery time, and that order confirmation email was sent shortly after the order was placed" www.ideeli.com) and **"SHIPPING CONFIRMATION EMAIL"** (Please check the My Orders area in My Accounts for the time frame in which your order is scheduled to ship....*As soon as your order ships, we'll send you an email confirmation.*" www.ideeli.com) services that are protected within the 7,400,970 patent, as every claim limitation, or its equivalent, is found in these functions, applications, solutions, devices, programs, products, services, methods and/or systems.

10. Specifically, Defendant's ship notice/manifest, sometimes referred to as the Advanced Shipment Notice (ASN), or the 856 EDI document, is generated when a user at a computer system elects to purchase an item via Defendant's website and enters an email address as part of the purchase process. As stated herein, Defendant explains by purchasing, the user will be provided "order confirmation" and more importantly "shipment confirmation" by selecting to purchase from Defendant's website. When a user selects a method of shipping when purchasing an item from Defendant's website, a user necessarily is required to elect a shipping method that allows tracking. Once this election is made, and as the order is processed, shipment confirmations are sent based on a tracking input when the package starts its route (likely pick-up, placed on conveyer belt and/or scanned out to loading dock/out of warehouse, etc.) to its destination (delivery address).

11. IDEELI'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 7,400,970 patent.

REQUEST FOR RELIEF

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

- A. An award of damages against IDEELI adequate to compensate Plaintiff for the infringement that has occurred with respect to IDEELI, together with prejudgment interest from the date that IDEELI'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 IDEELI 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

12. Plaintiff hereby incorporates Paragraphs 1 through 7 set forth above as if fully set forth herein.

13. Pursuant to 35 U.S.C. §§ 271(b) and (c), IDEELI has indirectly infringed claims of the 7,400,970 patent through, among other activities, products, programs, applications, functions, systems and methods, the use of tracking and notification technologies within its **“ADVANCE SHIP NOTICE”** (“Please note that that information is also listed on the order confirmation email that we sent you after the order was placed...as stated the order confirmation email that we [ideel.com] sent you shows the correct delivery time, and that order confirmation email was sent shortly after the order was placed” www.ideeli.com) and **“SHIPPING CONFIRMATION EMAIL”** (Please check the My Orders area in My Accounts for the time frame in which your order is scheduled to ship....As soon as your

order ships, we'll send you an email confirmation." www.ideeli.com) services that are protected within the 7,400,970 patent, as IDEELI 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 IDEELI had knowledge, rather than intent, that its activity caused such infringement.

14. Specifically, Defendant's ship notice/manifest, sometimes referred to as the Advanced Shipment Notice (ASN), or the 856 EDI document, is generated when a user at a computer system elects to purchase an item via Defendant's website and enters an email address as part of the purchase process. As stated herein, Defendant explains by purchasing, the user will be provided "order confirmation" and more importantly "shipment confirmation" by selecting to purchase from Defendant's website. When a user selects a method of shipping when purchasing an item from Defendant's website, a user necessarily is required to elect a shipping method that allows tracking. Once this election is made, and as the order is processed, shipment confirmations are sent based on a tracking input when the package starts its route (likely pick-up, placed on conveyer belt and/or scanned out to loading dock/out of warehouse, etc.) to its destination (delivery address).

15. IDEELI'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 7,400,970 patent.

REQUEST FOR RELIEF

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

- A. An award of damages against IDEELI adequate to compensate Plaintiff for the infringement that has occurred with respect to IDEELI, together with prejudgment interest from the date that IDEELI'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 IDEELI 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: December 21, 2015.

Respectfully submitted,

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