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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 Florida  
12 Limited Liability Corporation,

13 Plaintiff,

14 vs.

15  
16 BABY SUPERMALL, LLC, an Illinois  
17 Limited Liability Corporation; and DOES 1  
18 through 10, Inclusive,

19 Defendants.  
20

Case No. 2:16-cv-3947

**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 through  
3 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 24<sup>th</sup>, Boynton Beach, Florida 33435.

7 2. On information and belief, defendant Tanner Goods (“Defendant”) is a  
8 corporation existing under the laws of Oregon.

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 Court  
13 to amend this Complaint to reflect the true names and capacities of the DOE Defendants  
14 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 this  
23 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.

27 ///

28 ///

**THE PATENTS-IN-SUIT**

1  
2 8. On November 13, 2001, United States Patent No. 6,317,060 (“the ’060  
3 Patent”), entitled “Base station system and method for monitoring travel of mobile vehicles  
4 and communicating notification messages,” was duly and lawfully issued by the U.S.  
5 Patent and Trademark Office. A true and correct copy of the ’060 Patent is attached as  
6 Exhibit A.

7 9. On July 2, 2002, United States Patent No 6,415,207 (“the ’207 Patent”),  
8 entitled, “System and Method for Automatically Providing Vehicle Status Information”  
9 was duly and legally issued by the United States Patent and Trademark Office. A true and  
10 correct copy of the ’207 Patent is attached as Exhibit B to this complaint.

11 10. On July 13, 2004 United States Patent No. 6,763,299 (“the ’299 Patent”),  
12 entitled, “Notification systems and methods with notifications based upon prior stop  
13 locations” was duly and legally issued by the United States Patent and Trademark Office.  
14 A true and correct copy of the ’299 Patent is attached as Exhibit C to this complaint.

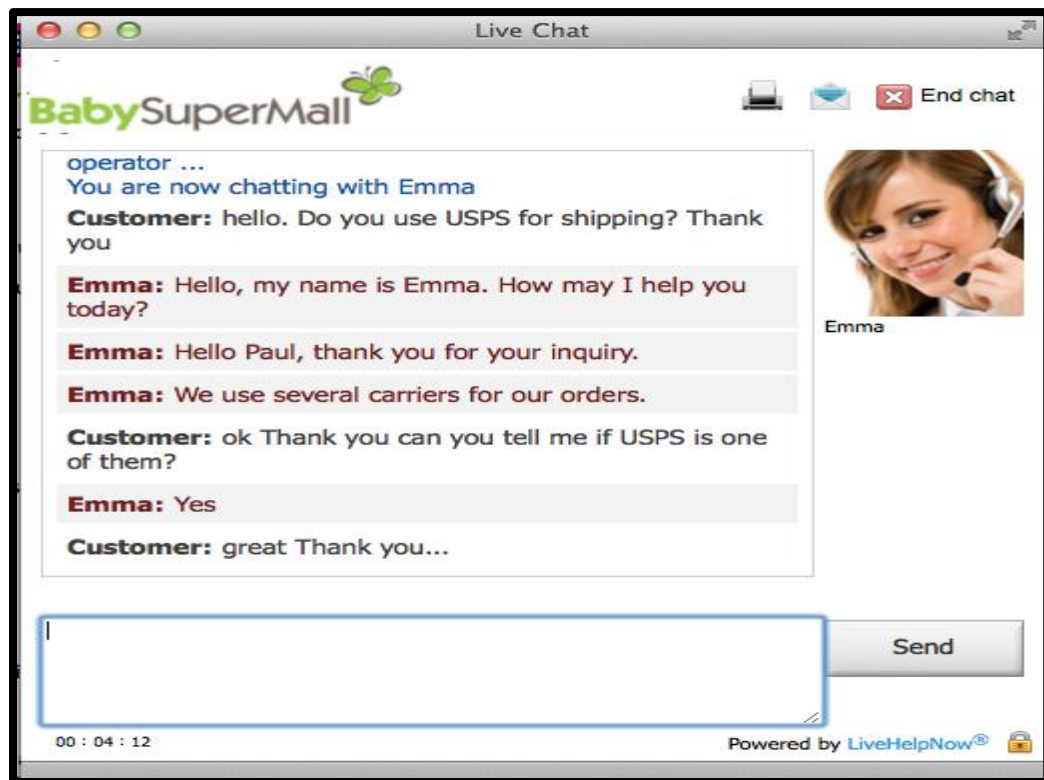
15 11. Plaintiff is the assignee and owner of the right, title and interest in and to the  
16 ’060 Patent, ’207 Patent, and ’299 Patent including the right to assert all causes of action  
17 arising under said patents and the right to any remedies for infringement of them.

**DEFENDANT’S INFRINGEMENTS**

18  
19 12. Without license or authorization and in violation of 35 U.S.C. § 271(a),  
20 Defendant has infringed and continues to infringe the ’060 Patent, ’207 Patent, and ’299  
21 Patents by making, using, offering for sale and/or selling within this district and elsewhere  
22 in the United States a computer based notification system that enables communication with  
23 a user that is designed to receive delivery of a package and provides a means for requesting  
24 entry by user of a package identification number.

25 13. By way of example, Defendant’s ship notice/manifest, sometimes referred to  
26 as the Advanced Shipment Notice (ASN), or the 856 EDI document, is generated when a  
27 user at a computer system elects to purchase an item via Defendant’s website and enters  
28 an email address as part of the purchase process. Defendant explains by purchasing they

1 will be provided “order confirmation” and more importantly “shipment confirmation” by  
2 selecting to purchase from their website. When a user selects a method of shipping when  
3 purchasing an item from Defendant’s website, a user necessarily is required to elect a  
4 shipping method that allows tracking. Once this election is made, and as the order is  
5 processed, shipment confirmations are sent based on a tracking input when the package  
6 starts its route (likely pick-up, placed on conveyer belt and/or scanned out to loading  
7 dock/out of warehouse, etc.) to its destination (delivery address). This process is evidenced  
8 on Defendant’s web page:



23 ///  
24 ///  
25 ///  
26 ///

The screenshot shows the BabySuperMall website interface. At the top, there is a search bar with the text "Tell us what you are looking for..." and a "GO" button. To the right, it says "888-276-6654 (Se Habla Español)" and "LIVE HELP OFFLINE". Below the search bar, there are navigation links for "FREE SHIPPING On Orders Over \$69\*", "NO SALES TAX Outside Illinois\*", and a "VIEW CART" button. A red banner across the page reads "Save 10% on All Orders... on top of sale price cuts up to 50%. USE CODE: 36SAVE10". The main content area is titled "Order Status and Tracking" and contains the "Order Tracking Utility" form. The form has two sections: one for tracking by order number and one for finding orders by name and zip code. At the bottom of the form, it provides contact information: "For additional assistance, call us at 888-276-6654 (Monday-Friday, 8:30am-5pm Central Time) or email us at service@babysupermall.com."

<http://www.babysupermall.com/Help/Track.html>

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,317,060**

14. Plaintiff repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '060 Patent by making, using, offering for sale and/or selling within this district and elsewhere in the United States, computer-based notification systems and methods which at least provide shipment confirmation of impending deliveries at a user's home or business address via email.

16. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringement of the '060 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

///

1 17. Prior to the filing of this Complaint, Plaintiff, by letter dated March 22, 2016,  
2 informed Defendant of Defendant's infringement of the '060 Patent.

3 18. Thus, Defendant has been on notice of the '060 Patent since at least the date  
4 it received Plaintiff's letter dated March 22, 2016.

5 19. Upon information and belief, Defendant has not altered its infringing conduct  
6 after receiving Plaintiff's letter dated March 22, 2016.

7 20. Upon information and belief, Defendant's continued infringement despite its  
8 knowledge of the '060 Patent and the accusations of infringement has been objectively  
9 reckless and willful.

10 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,415,207**

11 21. Plaintiff repeats and realleges the allegations of paragraphs 1 through 20 as if  
12 fully set forth herein.

13 22. Without license or authorization and in violation of 35 U.S.C. § 271(a),  
14 Defendant has infringed and continues to infringe the '207 Patent by making, using,  
15 offering for sale and/or selling within this district and elsewhere in the United States, by  
16 Defendant's users selecting an Advance Ship Notice that tells the buyer or recipient the  
17 contents of a shipment, timing of the shipment, delivery location of the shipment, the mode  
18 of transportation and/or other shipment information.

19 23. Plaintiff is entitled to recover from Defendant the damages sustained by  
20 Plaintiff as a result of Defendant's infringement of the '207 Patent in an amount subject to  
21 proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest  
22 and costs as fixed by this Court under 35 U.S.C. § 284.

23 24. Prior to the filing of this Complaint, Plaintiff, by letter dated March 22, 2016,  
24 informed Defendant of Defendant's infringement of the '207 Patent.

25 25. Thus, Defendant has been on notice of the '207 Patent since at least the date  
26 it received Plaintiff's letter dated March 22, 2016.

27 26. Upon information and belief, Defendant has not altered its infringing conduct  
28 after receiving Plaintiff's letter dated March 22, 2016.

1 27. Upon information and belief, Defendant's continued infringement despite its  
2 knowledge of the '207 Patent and the accusations of infringement has been objectively  
3 reckless and willful.

4 **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,763,299**

5 28. Plaintiff repeats and realleges the allegations of paragraphs 1 through 27 as if  
6 fully set forth herein.

7 29. Without license or authorization and in violation of 35 U.S.C. § 271(a),  
8 Defendant has infringed and continues to infringe the '299 Patent by making, using,  
9 offering for sale and/or selling within this district and elsewhere in the United States, by  
10 providing a system for automatically reporting the travel status of vehicles in response to  
11 requests by users at remote locations.

12 30. Plaintiff is entitled to recover from Defendant the damages sustained by  
13 Plaintiff as a result of Defendant's infringement of the '299 Patent in an amount subject to  
14 proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest  
15 and costs as fixed by this Court under 35 U.S.C. § 284.

16 31. Prior to the filing of this Complaint, Plaintiff, by letter dated March 22, 2016,  
17 informed Defendant of Defendant's infringement of the '299 Patent.

18 32. Thus, Defendant has been on notice of the '299 Patent since at least the date  
19 it received Plaintiff's letter dated March 22, 2016.

20 33. Upon information and belief, Defendant has not altered its infringing conduct  
21 after receiving Plaintiff's letter dated March 22, 2016.

22 34. Upon information and belief, Defendant's continued infringement despite its  
23 knowledge of the '299 Patent and the accusations of infringement has been objectively  
24 reckless and willful.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant  
27 as follows:

28 A. An adjudication that Defendant has infringed the '060, '207, and '299 patents;



1 B. An award of damages to be paid by Defendant adequate to compensate  
2 Plaintiff for Defendant's past infringement of the '060, '207 and '299 patents and any  
3 continuing or future infringement through the date such judgment is entered, including  
4 interest, costs, expenses and an accounting of all infringing acts including, but not limited  
5 to, those acts not presented at trial;

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

8 D. To the extent Defendant's conduct subsequent to the date of its notice of the  
9 '060, '207, and '299 patents is found to be objectively reckless, enhanced damages  
10 pursuant to 35 U.S.C. § 284 for its willful infringement of the '060, '207, and '299 patents;  
11 and

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

14  
15 Respectfully submitted,

16 Dated: June 6, 2016

NEWPORT TRIAL GROUP

17  
18 By: /s/Tyler J Woods

Tyler J. Woods

Attorney for Plaintiff

Shipping and Transit, LLC



**JURY DEMAND**

1  
2 Plaintiff demands a trial by jury on all issues so triable pursuant to Federal Rule of  
3 Civil Procedure 38.

4  
5 Respectfully submitted,

6 Dated: June 6, 2016

NEWPORT TRIAL GROUP

7  
8 By: /s/Tyler J Woods

Tyler J. Woods

9 Attorney for Plaintiff

10 Shipping and Transit, LLC