

1 Tyler J. Woods, Bar No. 232464
2 twoods@trialnewport.com
3 NEWPORT TRIAL GROUP
4 4100 Newport Place, Suite 800
5 Newport Beach, CA 92660
6 Tel: (949) 706-6464
7 Fax: (949) 706-6469

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 LANEAXIS, INC., a Delaware
16 Corporation; and DOES 1 through 10,
17 Inclusive,

18 Defendants.
19
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Case No. 2:16-cv-3953

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Complaint Filed: N/A

Trial Date: N/A

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COMPLAINT FOR PATENT INFRINGEMENT

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

THE PARTIES

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

2. On information and belief, defendant Laneaxis, Inc. (“Defendant”) is a corporation existing under the laws of Delaware.

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

JURISDICTION AND VENUE

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

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

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

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

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THE PATENTS-IN-SUIT

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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
4 vehicles and communicating notification messages,” was duly and lawfully issued by the
5 U.S. Patent and Trademark Office. A true and correct copy of the ’060 Patent is attached
6 as 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
10 and 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

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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
22 elsewhere in the United States a computer based notification system that enables
23 communication with a user that is designed to receive delivery of a package and provides
24 a means for requesting 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
8 evidenced on Defendant’s web page:

GETTING STARTED

Once registered with LaneAxis (a simple 3-step process), Shippers will enjoy nearly **FULL AUTOMATION** of all key functions in the Shipper-Carrier relationship.

Drivers must accept the Shipper contract electronically. All insurance, compliance, and CSA issues are managed and monitored electronically.

Load pickup, transit, and delivery, are all monitored electronically. Even unexpected issues occurring during transport can be handled electronically (Damaged carrier vehicle for example).

And every step along the way, you can generate real-time, on-demand reports featuring every metric you need to stay compliant, confident, and headache-free.

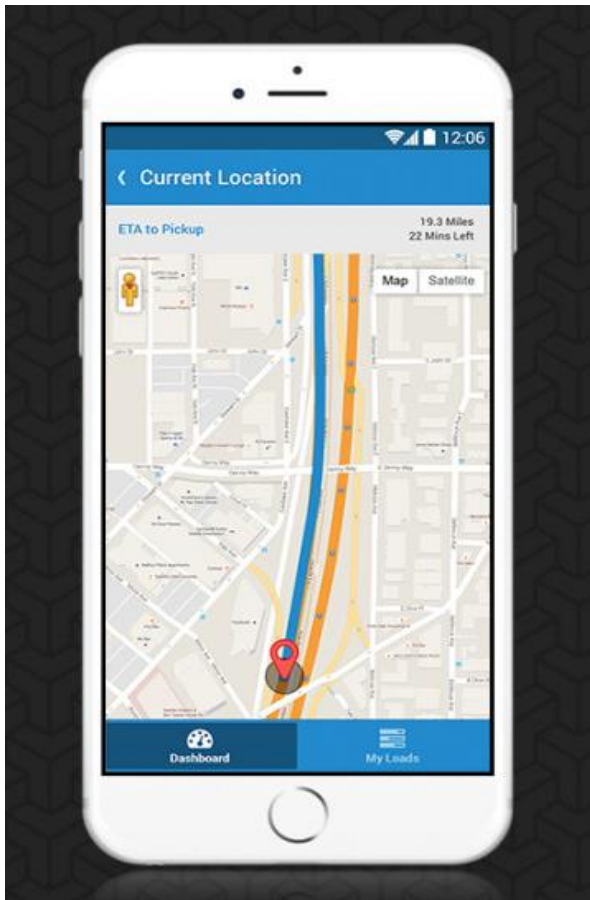
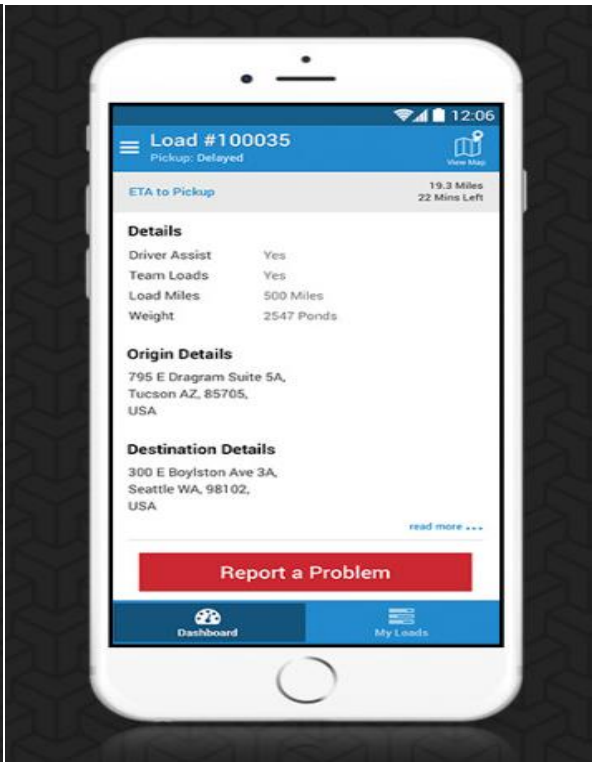
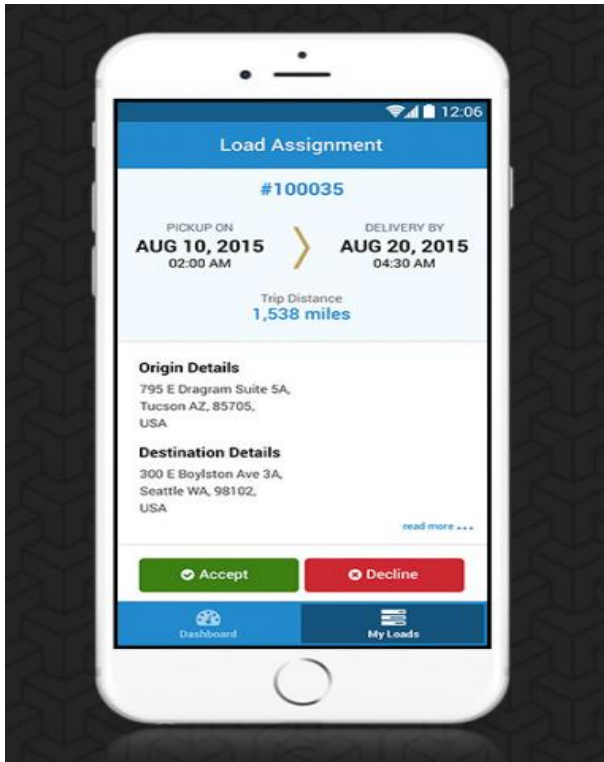
Registration is **FREE** for both Shipper and Carrier.

No expensive front-loaded investments. No risky software overhauls or time-consuming training sessions.

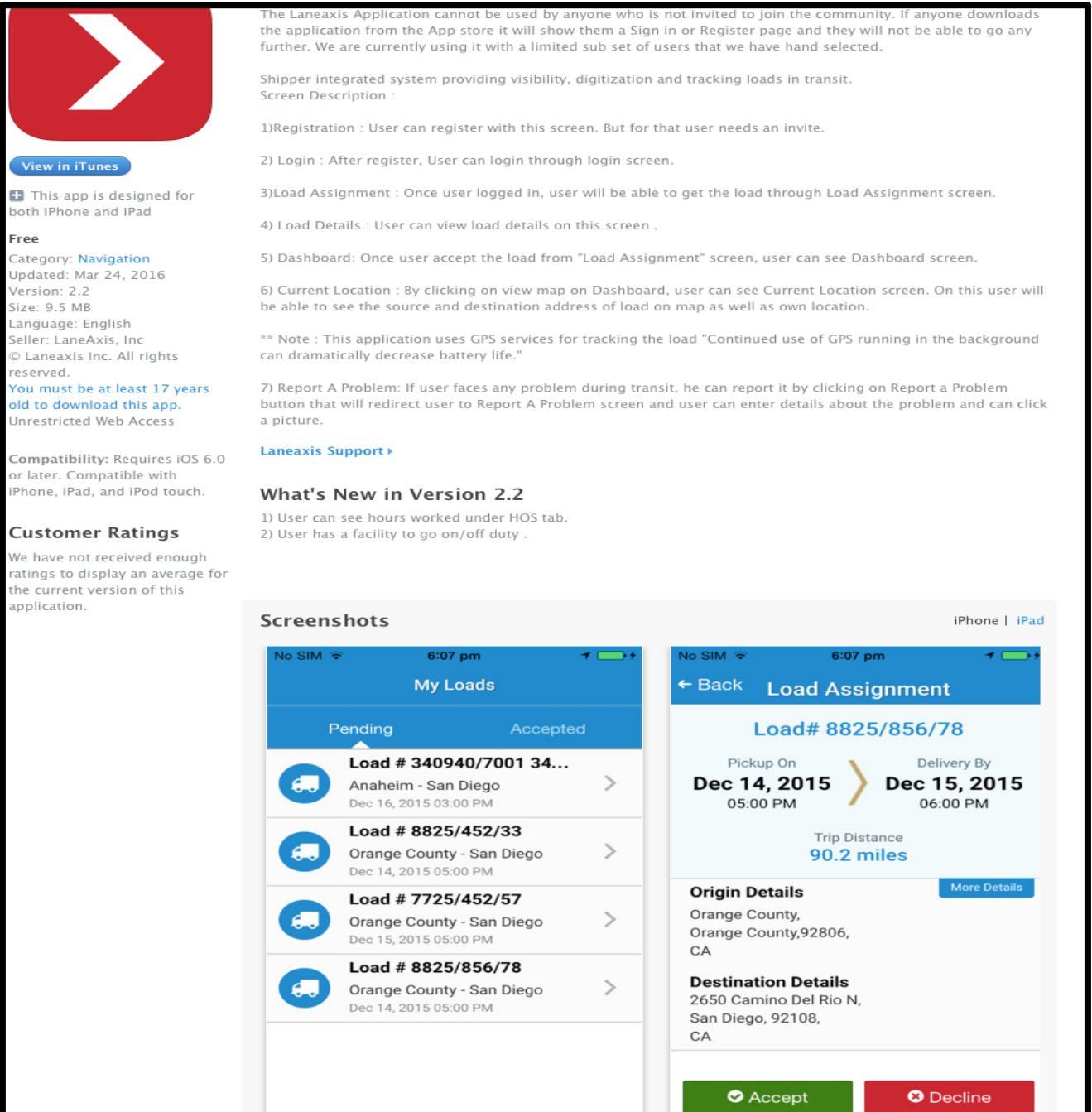
<http://laneaxis.com/how-it-works/>

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<http://laneaxis.com/how-it-works/>



The Laneaxis Application cannot be used by anyone who is not invited to join the community. If anyone downloads the application from the App store it will show them a Sign in or Register page and they will not be able to go any further. We are currently using it with a limited sub set of users that we have hand selected.

Shipper integrated system providing visibility, digitization and tracking loads in transit.
Screen Description :

- 1)Registration : User can register with this screen. But for that user needs an invite.
- 2) Login : After register, User can login through login screen.
- 3)Load Assignment : Once user logged in, user will be able to get the load through Load Assignment screen.
- 4) Load Details : User can view load details on this screen .
- 5) Dashboard: Once user accept the load from "Load Assignment" screen, user can see Dashboard screen.
- 6) Current Location : By clicking on view map on Dashboard, user can see Current Location screen. On this user will be able to see the source and destination address of load on map as well as own location.

** Note : This application uses GPS services for tracking the load "Continued use of GPS running in the background can dramatically decrease battery life."

7) Report A Problem: If user faces any problem during transit, he can report it by clicking on Report a Problem button that will redirect user to Report A Problem screen and user can enter details about the problem and can click a picture.

[Laneaxis Support >](#)

What's New in Version 2.2

- 1) User can see hours worked under HOS tab.
- 2) User has a facility to go on/off duty .

Compatibility: Requires iOS 6.0 or later. Compatible with iPhone, iPad, and iPod touch.

Customer Ratings

We have not received enough ratings to display an average for the current version of this application.

Screenshots

iPhone | iPad

My Loads

Pending	Accepted
<p>Load # 340940/7001 34...</p> <p>Anaheim - San Diego Dec 16, 2015 03:00 PM</p>	
<p>Load # 8825/452/33</p> <p>Orange County - San Diego Dec 14, 2015 05:00 PM</p>	
<p>Load # 7725/452/57</p> <p>Orange County - San Diego Dec 15, 2015 05:00 PM</p>	
<p>Load # 8825/856/78</p> <p>Orange County - San Diego Dec 14, 2015 05:00 PM</p>	

Load Assignment

Load# 8825/856/78

Pickup On **Dec 14, 2015** 05:00 PM

Delivery By **Dec 15, 2015** 06:00 PM

Trip Distance **90.2 miles**

Origin Details [More Details](#)

Orange County,
Orange County,92806,
CA

Destination Details

2650 Camino Del Rio N,
San Diego, 92108,
CA

Accept Decline

<https://itunes.apple.com/us/app/laneaxis/id1025713614?mt=8>

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.

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

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

10 17. Prior to the filing of this Complaint, Plaintiff, by letter dated April 14, 2016,
11 informed Defendant of Defendant's infringement of the '060 Patent.

12 18. Thus, Defendant has been on notice of the '060 Patent since at least the date
13 it received Plaintiff's letter dated April 14, 2016.

14 19. Upon information and belief, Defendant has not altered its infringing
15 conduct after receiving Plaintiff's letter dated April 14, 2016.

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

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

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

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

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

5 24. Prior to the filing of this Complaint, Plaintiff, by letter dated April 14, 2016,
6 informed Defendant of Defendant's infringement of the '207 Patent.

7 25. Thus, Defendant has been on notice of the '207 Patent since at least the date
8 it received Plaintiff's letter dated April 14, 2016.

9 26. Upon information and belief, Defendant has not altered its infringing
10 conduct after receiving Plaintiff's letter dated April 14, 2016.

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

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

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

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

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

26 31. Prior to the filing of this Complaint, Plaintiff, by letter dated April 14, 2016,
27 informed Defendant of Defendant's infringement of the '299 Patent.

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1 32. Thus, Defendant has been on notice of the '299 Patent since at least the date
2 it received Plaintiff's letter dated April 14, 2016.

3 33. Upon information and belief, Defendant has not altered its infringing
4 conduct after receiving Plaintiff's letter dated April 14, 2016.

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

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant
10 as follows:

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

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

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

20 D. To the extent Defendant's conduct subsequent to the date of its notice of the
21 '060, '207, and '299 patents is found to be objectively reckless, enhanced damages
22 pursuant to 35 U.S.C. § 284 for its willful infringement of the '060, '207, and '299
23 patents; and

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

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4 Respectfully submitted,

5 Dated: June 6, 2016

NEWPORT TRIAL GROUP

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7 By: /s/Tyler J Woods

Tyler J. Woods

8 Attorney for Plaintiff

9 Shipping and Transit, LLC

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JURY DEMAND

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

Respectfully submitted,

Dated: June 6, 2016

NEWPORT TRIAL GROUP

By: /s/Tyler J Woods

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