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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 GEOMETRIX USA INC. a North Carolina
16 Corporation; and DOES 1 through 10,
17 Inclusive,

18 Defendants.
19
20

Case No. 2:16-cv-4861

**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 24th, Boynton Beach, Florida 33435.

7 2. On information and belief, defendant GeoMetrix USA Inc., (“Defendant”) is
8 a corporation existing under the laws of North Carolina.

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.

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THE PATENTS-IN-SUIT

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2 8. On July 2, 2002, United States Patent No. 6,415,207 (“the ’207 Patent”),
3 entitled, “System and method for automatically providing vehicle status information” was
4 duly and legally issued by the United States Patent and Trademark Office. A true and
5 correct copy of the ’207 Patent is attached as Exhibit A to this complaint.

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

10 10. On June 7, 2005, United States Patent No. 6,904,359 (“the ’359 Patent”),
11 entitled, “Notification systems and methods with user-definable notifications based upon
12 occurrence of events” was duly and legally issued by the United States Patent and
13 Trademark Office. A true and correct copy of the ’359 Patent is attached as Exhibit C to
14 this complaint.

15 11. Plaintiff is the assignee and owner of the right, title and interest in and to the
16 ’207 Patent, ’299 Patent and ’359 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 ’299, ’207, and ’359 Patents by
21 making, using, offering for sale and/or selling within this district and elsewhere in the
22 United States a computer based notification system that enables communication with a
23 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:

9 Comprehensive Track & Trace

10 The GeoMetrix Performance Suite delivers superior “in-transit visibility” on
11 all your shipments and assets. While the need for railcar tracking and
12 tracing is germane to the industry, GeoMetrix Performance Suite features
13 comprehensive, integrated shipping information and advanced analytic
14 and reporting capabilities that provide unrivalled cost reduction and
15 Return On Investment (ROI) potential.

16 Tracking

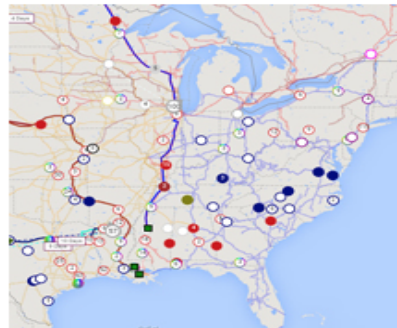
17 Knowing what product is traveling on the North American rail network, and where,
18 is valuable information that allows companies to avoid supply interruptions and
19 reroute cars as necessary.

20 We recognize that managing your railcar assets when they’re in motion is vital to
21 ensuring they’re as productive as possible. By streaming all your waybill
22 information directly to your desktop through GeoMetrix Performance Suite, you
23 have all the current locations and shipment information for every railcar asset you
24 monitor at your fingertips – all the time.

25 Trips

26 The last thing you want is product sitting in a
27 railcar going nowhere. You can avoid ‘horizontal
28 silos’ with GeoMetrix Performance Suite’s
29 dynamic estimated arrival times (ETAs) that
30 allow you to have the needed crews available to
31 handle the receipt of railcars, and avoid
32 overcrowding at your receiving facilities.

33 In addition to simply tracking railcars, you can
34 easily profile each railcar for cargo and shipping
35 information through fully integrated waybills.
36 GeoMetrix Performance Suite provides visibility
37 into what is in the railcar, not just an equipment ID.



38 <http://geometrix.com/index.php/feature/comprehensive-track-trace/>

Shipment Automation

Arranging shipments with GeoMetrix Performance Suite is streamlined through its seamless integration of Bill of Lading (BOL) information requirements. Using EDI 404s, the GeoMetrix Shipment module lets you transfer originating BOLs to railroads and receive their acceptance confirmations automatically.

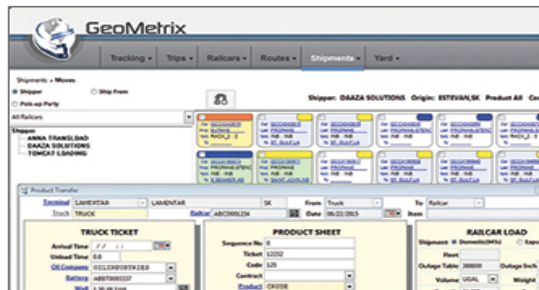
You can establish patterns or select the railcar, product, parties to the waybill, departure point, destination, route and railroad information with a few keystrokes and reduce documentation error as well as save time.

You can also produce hazardous materials and customs documentation (EDI 810s) including U.S. and Canadian import/export compliance requirements. These can be sent automatically to selected agencies, customs brokers, railroads, customers and other service providers.

Shipment Control & Tracking

GeoMetrix Shipment does more than just populate information in shipping docs, it serves as a control point.

GeoMetrix Shipment helps avoid operational errors by not allowing users to assign a railcar to carry an incompatible product or alerting you if a railcar selected for a shipment is currently scheduled for maintenance. Order management, terminal requests and 3rd party railcar management are also simplified.



GeoMetrix Shipment can help minimize documentation errors or delays that can compromise safety, performance and ultimately affect your company's bottom line.

Shipment Precision

The Shipments module includes the ability to electronically obtain load and offload cargo data and other related attributes directly. Through automated cargo capture between railcars trucks, tanks, barges or other vessels, data entry (and errors) can be reduced or eliminated and users can monitor transload data at a molecule level.

Shipment Integration

The GeoMetrix Shipment module can easily interface with Energy Trading Risk Management (ETRM) and other ERP systems.

GeoMetrix Shipment also enhances financial settlement processes by capturing freight invoices (EDI 410s) from railroads for freight payors. GeoMetrix provides the ability to review, and reconcile with, actual railroad invoices – minimizing or avoiding cost discrepancies and ensuring proper cost allocation.

Along with data from other GeoMetrix Performance Suite modules, you can independently calculate other shipment charges (such as customs charges, diversion costs or BC carbon surcharges) quickly and accurately. GeoMetrix Shipment reporting helps you quickly validate third-party invoices and identify errors or discrepancies.

The GeoMetrix Performance Suite allows logistics managers to solve shipping challenges before they happen.

<http://geomatrix.com/index.php/feature/integrated-shipment-management/>

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2 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,415,207**

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

5 15. Defendant has in the past and still is directly (and through inducement)
6 infringing, or directly infringing under the doctrine of equivalents, one or more claims of
7 the '207 Patent by making, using, offering for sale and/or selling within this district and
8 elsewhere in the United States a computer based notification system that enables
9 communication with a user that is designed to receive delivery of a package and provides
10 a means for requesting entry by user of a package identification number.

11 16. The use of a computer based notification system whereby a customer requests
12 and receives an email notification tracking her shipment is material to practicing the
13 methods of the '207 Patent.

14 17. Defendant has knowledge of the fact that its products and services as
15 administered infringe one or more claims of the '207 Patent, and as direct, firsthand
16 knowledge of the '207 Patent as a result of Plaintiff informing Defendant of the '207 Patent
17 and Defendant's infringement thereof by way of a letter dated May 12, 2016.

18 18. Thus, Defendant has been on notice of the '207 Patent since at least the date
19 it received Plaintiff's letter dated May 12, 2016.

20 19. Upon information and belief, Defendant has not altered its infringing conduct
21 after receiving Plaintiff's letter dated May 12, 2016.

22 20. Upon information and belief, Defendant's continued infringement despite its
23 knowledge of the '207 Patent and the accusations of infringement has been objectively
24 reckless and willful.

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

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,763,299

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

4 23. Defendant has in the past and still is directly (and through inducement)
5 infringing, or directly infringing under the doctrine of equivalents, one or more claims of
6 the '299 Patent by making, using, offering for sale and/or selling within this district and
7 elsewhere in the United States a computer based notification system that enables
8 communication with a user that is designed to receive delivery of a package and provides
9 a means for requesting entry by user of a package identification number.

10 24. The use of a computer based notification system whereby a customer requests
11 and receives an email notification tracking her shipment is material to practicing the
12 methods of the '299 Patent.

13 25. Defendant has knowledge of the fact that its products and services as
14 administered infringe one or more claims of the '299 Patent, and as direct, firsthand
15 knowledge of the '299 Patent as a result of Plaintiff informing Defendant of the '299 Patent
16 and Defendant's infringement thereof by way of a letter dated May 12, 2016.

17 26. Thus, Defendant has been on notice of the '299 Patent since at least the date
18 it received Plaintiff's letter dated May 12, 2016.

19 27. Upon information and belief, Defendant has not altered its infringing conduct
20 after receiving Plaintiff's letter dated May 12, 2016.

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

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

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1 **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,904,359**

2 30. Plaintiff repeats and realleges the allegations of paragraphs 1 through 29 as if
3 fully set forth herein.

4 31. Defendant has in the past and still is directly (and through inducement)
5 infringing, or directly infringing under the doctrine of equivalents, one or more claims of
6 the '359 Patent by making, using, offering for sale and/or selling within this district and
7 elsewhere in the United States a computer based notification system that enables
8 communication with a user that is designed to receive delivery of a package and provides
9 a means for requesting entry by user of a package identification number.

10 32. The use of a computer based notification system whereby a customer requests
11 and receives an email notification tracking her shipment is material to practicing the
12 methods of the '359 Patent.

13 33. Defendant has knowledge of the fact that its products and services as
14 administered infringe one or more claims of the '359 Patent, and as direct, firsthand
15 knowledge of the '359 Patent as a result of Plaintiff informing Defendant of the '359 Patent
16 and Defendant's infringement thereof by way of a letter dated May 12, 2016.

17 34. Thus, Defendant has been on notice of the '359 Patent since at least the date
18 it received Plaintiff's letter dated May 12, 2016.

19 35. Upon information and belief, Defendant has not altered its infringing conduct
20 after receiving Plaintiff's letter dated May 12, 2016.

21 36. Upon information and belief, Defendant's continued infringement despite its
22 knowledge of the '359 Patent and the accusations of infringement has been objectively
23 reckless and willful.

24 37. Plaintiff is therefore entitled to recover from Defendant the damages sustained
25 by Plaintiff as a result of Defendant's infringement of the '359 Patent in an amount subject
26 to proof at trial, which, by law, cannot be less than a reasonable royalty, together with
27 interest and costs as fixed by this Court under 35 U.S.C. § 284.

28 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant
2 as follows:

3 A. An adjudication that Defendant has infringed the '299, '207, and '359 Patents;

4 B. An award of damages to be paid by Defendant adequate to compensate
5 Plaintiff for Defendant's past infringement of the, '299, '207, and '359 Patents and any
6 continuing or future infringement through the date such judgment is entered, including
7 interest, costs, expenses and an accounting of all infringing acts including, but not limited
8 to, those acts not presented at trial;

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

11 D. To the extent Defendant's conduct subsequent to the date of its notice of the
12 '299, '207, and '359 Patents are found to be objectively reckless, enhanced damages
13 pursuant to 35 U.S.C. § 284 for its willful infringement of the '299, '207, and '359 Patents;
14 and

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

17
18 Respectfully submitted,

19 Dated: July 1, 2016

NEWPORT TRIAL GROUP

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21 By: /s/Tyler J Woods
22 Tyler J. Woods
23 Attorney for Plaintiff
24 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: July 1, 2016

NEWPORT TRIAL GROUP

By: /s/Tyler J Woods

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