

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 SFG, LLC, an Indiana Limited Liability
16 Corporation; and DOES 1 through 10,
17 Inclusive,

18 Defendants.
19
20

Case No. 2:16-cv-4864

**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 SFG, LLC, (“Defendant”) is a limited
8 liability corporation existing under the laws of Indiana.

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 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.

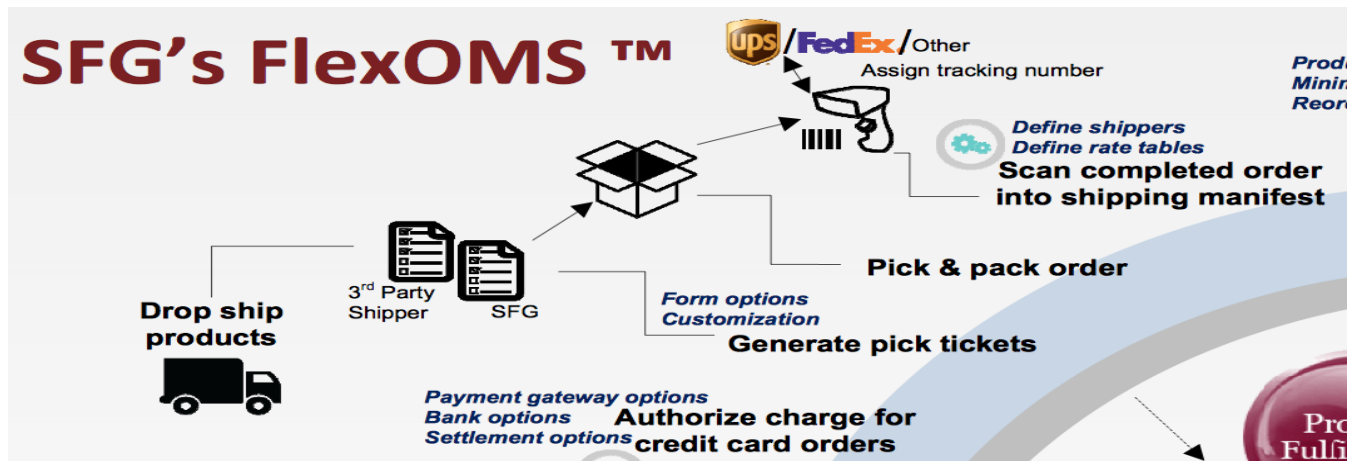
15 11. Plaintiff is the assignee and owner of the right, title and interest in and to the
16 ’207 Patent, ’299 Patent and ’359 Patent including the right to assert all causes of action
17 arising under said patents and the right to any remedies for infringement of them.

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.

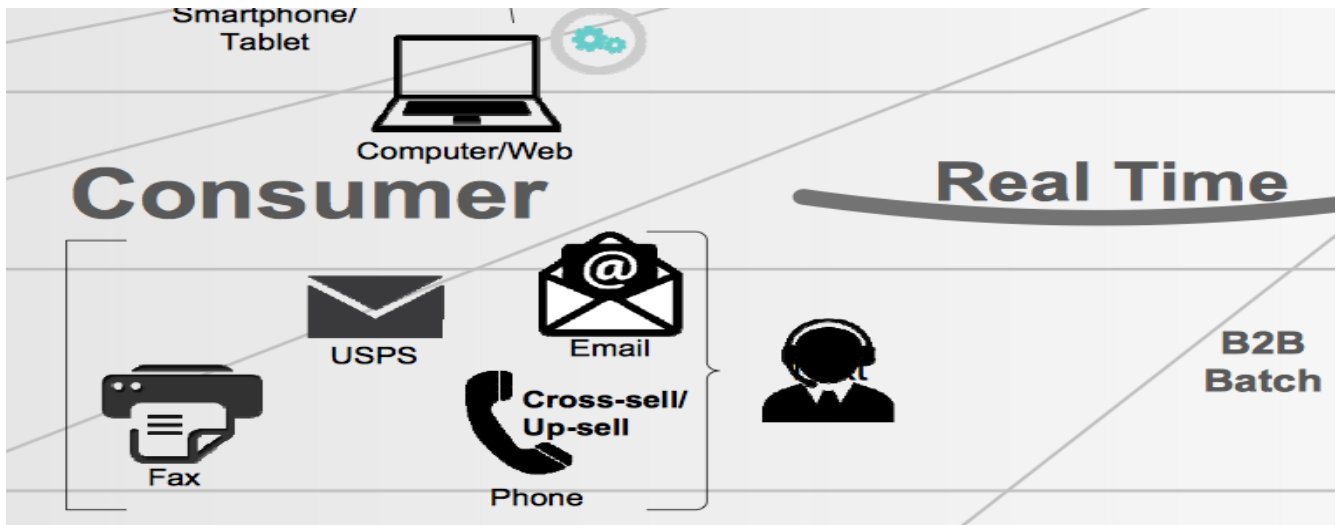
25 13. By way of example, Defendant’s ship notice/manifest, sometimes referred to
26 as the Advanced Shipment Notice (ASN), or the 856 EDI document, is generated when a
27 user at a computer system elects to purchase an item via Defendant’s website and enters
28 an email address as part of the purchase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





22 <http://www.sfgnetwork.com/content/themes/rb->
 23 [sfg/assets/documents/SFG%20FLEXOMS-flow-chart.pdf](http://www.sfgnetwork.com/content/themes/rb-sfg/assets/documents/SFG%20FLEXOMS-flow-chart.pdf)

- 24 ● Order Shipment Confirmation Email



<http://www.sfgnetwork.com/content/themes/rb-sfg/assets/documents/SFG%20FLEXOMS-flow-chart.pdf>

 <p>Order Management System</p> <p>Keep track of your orders, notify customers with success and shipping messages and everything in between. SFG's order management system streamlines and simplifies the process.</p>	 <p>Warehouse Management & Distribution</p> <p>We've got this down to a science. Utilizing our order management system and warehouse capabilities, we finalize the process by packing the order and shipping it. SFG ships worldwide daily with all major carriers and utilizes a co-ship partner for volume-based shipping discounts where possible. SFG's operations team continually evaluate shipping options and rate shop for the most cost-effective methods. We offer next-day and same-day rush shipment options for those last-minute customers!</p>
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<http://www.sfgnetwork.com/business-solutions/ecommerce-fulfillment/>

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

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

15. Defendant has in the past and still is directly (and through inducement) infringing, or directly infringing under the doctrine of equivalents, one or more claims of the '207 Patent by making, using, offering for sale and/or selling within this district and elsewhere in the United States a computer based notification system that enables

1 communication with a user that is designed to receive delivery of a package and provides
2 a means for requesting entry by user of a package identification number.

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

6 17. Defendant has knowledge of the fact that its products and services as
7 administered infringe one or more claims of the '207 Patent, and as direct, firsthand
8 knowledge of the '207 Patent as a result of Plaintiff informing Defendant of the '207 Patent
9 and Defendant's infringement thereof by way of a letter dated April 26, 2016.

10 18. Thus, Defendant has been on notice of the '207 Patent since at least the date
11 it received Plaintiff's letter dated April 26, 2016.

12 19. Upon information and belief, Defendant has not altered its infringing conduct
13 after receiving Plaintiff's letter dated April 26, 2016.

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

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

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

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

24 23. Defendant has in the past and still is directly (and through inducement)
25 infringing, or directly infringing under the doctrine of equivalents, one or more claims of
26 the '299 Patent by making, using, offering for sale and/or selling within this district and
27 elsewhere in the United States a computer based notification system that enables

1 communication with a user that is designed to receive delivery of a package and provides
2 a means for requesting entry by user of a package identification number.

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

6 25. Defendant has knowledge of the fact that its products and services as
7 administered infringe one or more claims of the '299 Patent, and as direct, firsthand
8 knowledge of the '299 Patent as a result of Plaintiff informing Defendant of the '299 Patent
9 and Defendant's infringement thereof by way of a letter dated April 26, 2016.

10 26. Thus, Defendant has been on notice of the '299 Patent since at least the date
11 it received Plaintiff's letter dated April 26, 2016.

12 27. Upon information and belief, Defendant has not altered its infringing conduct
13 after receiving Plaintiff's letter dated April 26, 2016.

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

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

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

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

24 31. Defendant has in the past and still is directly (and through inducement)
25 infringing, or directly infringing under the doctrine of equivalents, one or more claims of
26 the '359 Patent by making, using, offering for sale and/or selling within this district and
27 elsewhere in the United States a computer based notification system that enables

1 communication with a user that is designed to receive delivery of a package and provides
2 a means for requesting entry by user of a package identification number.

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

6 33. Defendant has knowledge of the fact that its products and services as
7 administered infringe one or more claims of the '359 Patent, and as direct, firsthand
8 knowledge of the '359 Patent as a result of Plaintiff informing Defendant of the '359 Patent
9 and Defendant's infringement thereof by way of a letter dated April 26, 2016.

10 34. Thus, Defendant has been on notice of the '359 Patent since at least the date
11 it received Plaintiff's letter dated April 26, 2016.

12 35. Upon information and belief, Defendant has not altered its infringing conduct
13 after receiving Plaintiff's letter dated April 26, 2016.

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

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

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff requests that this Court enter judgment against Defendant
23 as follows:

- 24 A. An adjudication that Defendant has infringed the '299, '207, and '359 Patents;
25 B. An award of damages to be paid by Defendant adequate to compensate
26 Plaintiff for Defendant's past infringement of the, '299, '207, and '359 Patents and any
27 continuing or future infringement through the date such judgment is entered, including

1 interest, costs, expenses and an accounting of all infringing acts including, but not limited
2 to, those acts not presented at trial;

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

5 D. To the extent Defendant's conduct subsequent to the date of its notice of the
6 '299, '207, and '359 Patents are found to be objectively reckless, enhanced damages
7 pursuant to 35 U.S.C. § 284 for its willful infringement of the '299, '207, and '359 Patents;
8 and

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

11
12 Respectfully submitted,

13 Dated: July 1, 2016

NEWPORT TRIAL GROUP

14
15 By: /s/Tyler J Woods

Tyler J. Woods

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,

Dated: July 1, 2016

NEWPORT TRIAL GROUP

By: /s/Tyler J Woods

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