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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 GREYHOUND LINES, INC., a Delaware  
17 Corporation; and DOES 1 through 10,  
18 Inclusive,

19 Defendants.  
20

Case No. 2:16-cv-4869

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

2. On information and belief, defendant Greyhound Lines, 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 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  
10 **TRACK**

- 11 • [What are your hours of operation?](#)
- 12 • [How can I receive updates about my shipment?](#)
- 13 • [Will the recipient be notified upon arrival of the package?](#)
- 14 • [How can I be assured my shipment is delivered?](#)
- 15 • [How do I track my shipment?](#)
- 16 • [What can I use to track my shipment?](#)
- 17 • [What additional services are available?](#)

18 **[How can I receive updates about my shipment?](#)**

19 You can receive updates on your shipment by visiting the [Track a Package](#) page.

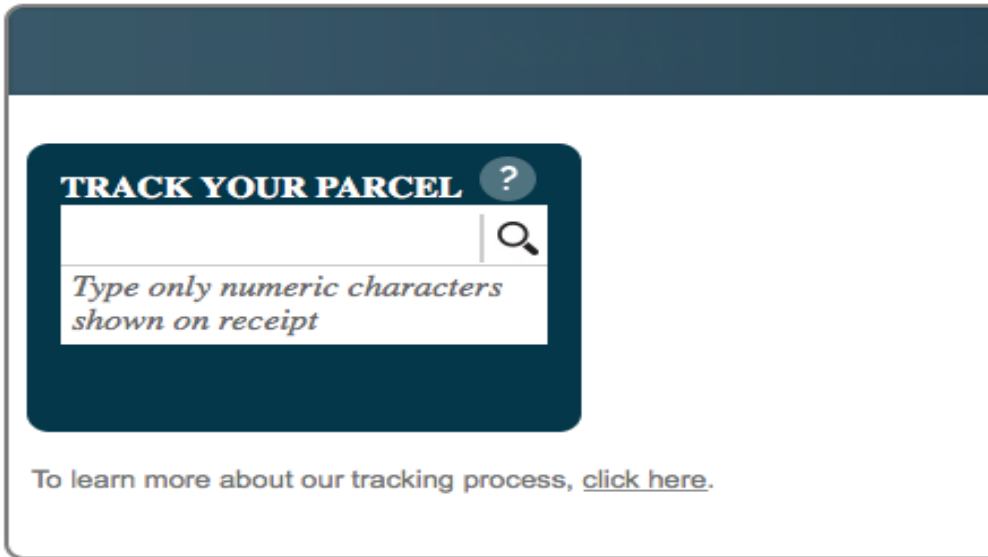
20 **[What can I use to track my shipment?](#)**

21 You may use a waybill number, a shipment number, a Greyhound Package Express online order number or a  
22 reference number (provided at time of shipping) to track a shipment. View [examples](#).

23 **[How do I track my shipment?](#)**

24 You can track your shipment by visiting the [Track a Package](#) page.

25 [http://www.shipgreyhound.com/e/Pages/faq.aspx#Track\\_Q02](http://www.shipgreyhound.com/e/Pages/faq.aspx#Track_Q02)



<http://www.shipgreyhound.com/e/SitePages/TrackAPackage.aspx>

**How do I track a package?**

From the Track a Package Page, enter your tracking information and click the SUBMIT button. Then click on the Show Details[+] to expand the shipment and review package level details.

**What can I use to track my package?**

You may use the Waybill Number, the GPX On-Line Order Number, or the Reference Number to track your package.

The **Waybill Number** is located at the top of the Waybill.

The **GPX On-Line Order Number** is located at the top of the label.



**How do I track via email?**

To track via email, [click here](#).

Please be sure to include your Waybill, GPX On-Line Order or Reference Number. We will respond via email with the details of your shipment.

<http://www.shipgreyhound.com/e/Pages/PackageHelp.aspx>

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

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

4 15. 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 '207 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 16. 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 '207 Patent.

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

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

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

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

24 21. Plaintiff is therefore entitled to recover from Defendant the damages sustained  
25 by Plaintiff as a result of Defendant's infringement of the '207 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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**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 April 26, 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 April 26, 2016.

19 27. Upon information and belief, Defendant has not altered its infringing conduct  
20 after receiving Plaintiff's letter dated April 26, 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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**COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,904,359**

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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 April 26, 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 April 26, 2016.

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

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**PRAYER FOR RELIEF**

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

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

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

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

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

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

Respectfully submitted,

Dated: July 1, 2016

NEWPORT TRIAL GROUP

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