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

18 Defendants.
19
20

Case No. 2:16-cv-03834-AG-AGR

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Complaint Filed: June 1, 2016

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 Loginext Solutions 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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1 **THE PATENT-IN-SUIT**

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. Plaintiff is the assignee and owner of the right, title and interest in and to the
7 ’207 Patent, including the right to assert all causes of action arising under said patent and
8 the right to any remedies for infringement of them.

9 **DEFENDANT’S INFRINGEMENTS**

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

16 11. By way of example, Defendant’s ship notice/manifest, sometimes referred to
17 as the Advanced Shipment Notice (ASN), or the 856 EDI document, is generated when a
18 user at a computer system elects to purchase an item via Defendant’s website and enters
19 an email address as part of the purchase process. Defendant explains by purchasing they
20 will be provided “order confirmation” and more importantly “shipment confirmation” by
21 selecting to purchase from their website. When a user selects a method of shipping when
22 purchasing an item from Defendant’s website, a user necessarily is required to elect a
23 shipping method that allows tracking. Once this election is made, and as the order is
24 processed, shipment confirmations are sent based on a tracking input when the package
25 starts its route (likely pick-up, placed on conveyer belt and/or scanned out to loading
26 dock/out of warehouse, etc.) to its destination (delivery address). This process is evidenced
27 on Defendant’s web page:

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**Last Mile Delivery Optimization
(Intra-City Hub-To-Door)**

30% of the logistics cost is spent on last mile deliveries. We help you reduce this cost with our smart mobile apps and cloud based planning and optimization engine.

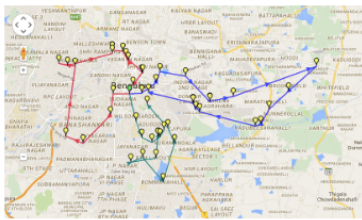
Features

- Real-time Communication With Delivery Boys
- Electronic Proof of Delivery as Signature, Scans & Images
- Real-time Analysis of Missed, Pending, Delivered Orders

Analytics

- Delivery Location Clustering Based On Dynamic Capacity
- Delivery Planning With Preferred Time Window Per Order
- Predictive Delay Alerts And Real-time ETAs Updates

<http://www.loginextsolutions.com/products/>



**Pick-Up & Delivery Automation
(Intra-City Door-To-Door)**

This is our best-seller product! It works like a charm if you are running a food/grocery delivery service, an on-demand taxi service or any "Uber for X" kind of service.

Features

- Pick-Up Allocation Based On Nearest Available Resource
- Priority, Distance and Location Based Scheduling
- Electronic POD Using Signature, Scans and Images
- Real Time SMS & Email Alerts and Updates For End Customers

Analytics

- Predictive Delay Alerts And Real-time ETA Updates
- Provide Uber-like Experience To End Customer
- Delivery Planning With Preferred Time Window Per Order
- Consider Traffic And Weather Situations From Multiple Data Sources

<http://www.loginextsolutions.com/products/>

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

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

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

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

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

5 16. Thus, Defendant has been on notice of the '207 Patent since at least the date
6 it received Plaintiff's letter dated February 16, 2016.

7 17. Upon information and belief, Defendant has not altered its infringing conduct
8 after receiving Plaintiff's letter dated February 16, 2016.

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

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

16 **PRAYER FOR RELIEF**

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

19 A. An adjudication that Defendant has infringed the '207 Patent;

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

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

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1 D. To the extent Defendant's conduct subsequent to the date of its notice of the,
2 '207 Patent are found to be objectively reckless, enhanced damages pursuant to 35 U.S.C.
3 § 284 for its willful infringement of the '207 Patent; and

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

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7 Respectfully submitted,

8 Dated: July 27, 2016

NEWPORT TRIAL GROUP

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10 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 27, 2016

NEWPORT TRIAL GROUP

By: /s/Tyler J Woods

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