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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11
12 **GLOBALTRANZ ENTERPRISES, INC.,**

13 *Plaintiff,*

14 v.

15 **SHIPPING AND TRANSIT, LLC,**

16 *Defendant.*
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18
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Case No. _____

COMPLAINT

(JURY DEMAND)

20 Plaintiff, GlobalTranz Enterprises, Inc. (“**Plaintiff**” or “**GlobalTranz**”), by and through its
21 counsel hereby brings this Complaint against Shipping and Transit, LLC (“**Defendant**” or
22 “**Shipping and Transit**”), as follows:

23 1. This is an action for a declaratory judgment that: (a) GlobalTranz does not infringe,
24 either directly or indirectly, U.S. Patent Nos. 6,415,207 (the “**207 Patent**”), 6,904,359 (the “**359**
25 **Patent**”), 6,763,299 (the “**299 Patent**”), and 7,400,970 (the “**970 Patent**”) (collectively the
26 “**Patents-in-Suit**”) and (b) the Patents-in-Suit are invalid.
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INTRODUCTION

2. On September 22, 2016, Shipping and Transit sent a letter to GlobalTranz (the “**Demand Letter**”) demanding that GlobalTranz take a license to the ‘207 Patent and pay for past usage and back damages for the ‘359 Patent, ‘299 Patent, and the ‘970 Patent.

3. The Demand Letter states that Shipping and Transit (and its predecessor companies ArrivalStar S.A. and Melvino Technologies Limited) have “filed lawsuits to enforce its patent rights,” and emphasizes this point by providing an exemplary list of ninety companies that Shipping and Transit and its predecessor companies have sued for patent infringement.

4. In total, Shipping and Transit and its predecessor companies have filed over 500 lawsuits claiming patent infringement, including nearly 200 lawsuits since February 2015.

5. A copy of the ‘207 Patent is attached as **Exhibit A**, a copy of the ‘359 Patent is attached as **Exhibit B**, a copy of the ‘299 Patent is attached as **Exhibit C**, a copy of the ‘970 Patent is attached as **Exhibit D**, and a copy of the Demand Letter is attached as **Exhibit E**.

6. Based on the Demand Letter, Shipping and Transit’s practice of filing lawsuits when demand letters are ineffective, and the allegations in this Complaint, there is a concrete and immediate justiciable controversy between GlobalTranz and Shipping and Transit.

PARTIES

7. GlobalTranz incorporates each of the allegations of paragraphs 1 through 6 above, as if fully set forth herein.

8. GlobalTranz is a Delaware corporation having a principle place of business at 7350 North Dobson Road, Suite 130, Scottsdale, Arizona 85256.

9. On information and belief, Shipping and Transit is a Florida limited liability company having a principle place of business at 711 Southwest 24th Avenue, Boynton Beach, Florida 33435.

10. Shipping and Transit is formally known as ArrivalStar S.A. and Melvino Technologies Limited.

JURISDICTION AND VENUE

11. GlobalTranz incorporates each of the allegations of paragraphs 1 through 10 above, as if fully set forth herein.

12. This action arises under the Patent Act, 35 U.S.C. §§ 1 *et. seq.*, and thus, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338. Furthermore, GlobalTranz seeks relief under the Federal Declaratory Judgment Act; therefore, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 2201 *et. seq.*

13. This Court has personal jurisdiction over Shipping and Transit. Shipping and Transit sent its Demand Letter to GlobalTranz in Arizona demanding a monetary payment and threatening litigation. On information and belief, Shipping and Transit is in the business of licensing patents and conducts business in Arizona including at least licensing its patent portfolio to companies in Arizona including Ping, Inc. Shipping and Transit has availed itself to the privileges and benefits of the laws of Arizona by filing a patent infringement suit in this Court under its former names of Arrival Star SA and Melvino Technologies Limited (*ArrivalStar SA and Melvino Technologies Limited v. Valley Metro Rail Incorporated*, 2:2012-cv-01093, filed May 23, 2012). On information and belief, Shipping and Transit continues to solicit business in Arizona and derive revenue from residents and entities in Arizona.

14. Venue is proper in this case under 28 U.S.C. §§ 1391 and 1400.

BACKGROUND

15. GlobalTranz is a freight broker and third-party logistics company founded in Arizona in 2003, where it employs approximately 400 people. GlobalTranz provides services that include “less than truckload” and “full truckload” shipping, supply chain management, and domestic air and expedited shipping. GlobalTranz has a customer base of over 25,000 shippers.

A. Shipping and Transit Threatens Patent Infringement Litigation.

16. In its Demand Letter, Shipping and Transit purports to own the Patents-in-Suit.

17. The Demand Letter alleges that GlobalTranz’s “use of its Tracking System(s) ... infringes claims within claim 5 of the ‘207 Patent, claim 41 of the ‘359 Patent, claim 79 of the ‘299 Patent, and claim 1 of the ‘970 Patent.”

1 18. The '299, '970, and '359 Patents expired on May 18, 2013.

2 19. The Demand Letter includes claim charts that purport to demonstrate infringement by
3 GlobalTranz of the asserted claims; however, these purported claim charts fail to identify specific
4 GlobalTranz systems or actions that infringe the limitations of the asserted claims.

5 20. The Demand Letter demands a payment of \$25,000 to avoid litigation.

6 21. Shipping and Transit is a company that is organized for the purpose of sending
7 deficient demand letters and subsequently filing patent infringement lawsuits in an effort to extract
8 nuisance fees for licenses from entities such as GlobalTranz based upon objectively unreasonable
9 and baseless claims of patent infringement.

10 22. Although Shipping and Transit and its predecessors have been involved in over 500
11 patent infringement lawsuits, on information and belief, not once has Shipping and Transit allowed
12 the litigation to proceed to a hearing on the merits of the claims or counterclaims, i.e., infringement
13 and invalidity of the asserted patents. Thereby, Shipping and Transit engages in vexatious litigation
14 by filing meritless lawsuits in federal court to use the threat of substantial litigation costs to extract
15 license fees from defendants where demand letters fail.

16 23. The purpose of the Demand Letter is to emphasize Shipping and Transit's business
17 model of sending demand letters to anyone involved in the shipping industry to extract nuisance fees
18 from such companies, and filing meritless infringement lawsuit in federal court if the demand letter
19 is unsuccessful.

20 24. GlobalTranz has a reasonable apprehension that Shipping and Transit will file a
21 patent infringement lawsuit against GlobalTranz that will disrupt GlobalTranz's business.

22 25. The Demand Letter and Shipping and Transit's clear pattern of filing lawsuits when
23 demand letters fail to extract licensing fees have created a concrete and immediate justifiable
24 controversy between GlobalTranz and Shipping and Transit.

25 **B. The '207 Patent is Invalid and Not Infringed.**

26 26. Shipping and Transit asserts that GlobalTranz infringes claim 5 of the '207 Patent.
27 The '207 Patent is titled "System and Method for Automatically Providing Vehicle Status
28 Information," was filed on March 1, 2000, and claims an earliest priority date of March 1, 1999.

1 27. Claim 5 of the ‘207 Patent states:

2 5. A system for monitoring and reporting status of vehicles, comprising:

3 means for maintaining status information associated with a vehicle, said
4 status information indicative of a current proximity of said identified
5 vehicle;

6 means for communicating with a remote communication device, said
7 means for communicating including a means for receiving caller
8 identification information automatically transmitted to said
9 communicating means;

10 means for utilizing said caller identification information to automatically
11 search for and locate a set of said status information; and

12 means for automatically retrieving and transmitting said set of said status
13 information.

14 28. The ‘207 Patent is invalid for failure to comply with one or more of 35 U.S.C. §§
15 101, 102, 103, and 112, and GlobalTranz does not infringe claim 5 or any other claim of the ‘207
16 Patent because GlobalTranz does not practice all limitations of any claim of the ‘207 Patent.

17 29. The claims of the ‘207 Patent are invalid as they are directed to unpatentable subject
18 matter and, therefore, do not meet the standard under 35 U.S.C. § 101 as set forth by the Supreme
19 Court in the seminal decision *Alice Corp. Pty. v. CLS Bank Int’l.*, 134 S. Ct. 2347 (2014).

20 30. The asserted claim 5 of the ‘207 Patent is directed to the abstract idea of “a system
21 for monitoring and reporting status of vehicles.” To be valid, claim 5 must recite some inventive
22 concept beyond this abstract idea to meet the standard set forth by the Supreme Court in the *Alice*
23 decision. *See id.* at 2355-57.

24 31. Claim 5 includes four “means” limitations for monitoring and reporting status of
25 vehicles – (a) means for maintaining status information associated with a vehicle; (b) means for
26 communicating with a remote communication device; (c) means for utilizing said caller
27 identification information; and (d) means for automatically retrieving and transmitting the set of
28 status information – none of which recite an inventive concept as required by the Supreme Court
 Alice decision to make the subject matter of the claim patent eligible.

1 32. In essence, claim 5 is directed to fundamental economic activity implemented by
2 generic computer technology. The Federal Circuit has found such claims to be patent ineligible.
3 *See, Mortgage Grader, Inc. v. First Choice Loan Services, Inc.*, 811 F.3d 1314, 1326 (Fed. Cir.
4 2016) (“Alice[] clarif[ied] that use of a generic computer to implement a ‘fundamental economic
5 practice’ cannot provide an inventive concept sufficient to save claims from patent ineligibility.”).

6 33. Claim 5 is a means-plus-function claim, and thus, is limited to the means described
7 in the specification and equivalents thereof.

8 34. Even if the ‘207 Patent is valid, GlobalTranz does not infringe claim 5 of the ‘207
9 Patent. By way of example only, GlobalTranz’s systems and services do not have a means for
10 receiving caller identification information automatically transmitted from a communication means
11 nor a means for utilizing said caller identification information to automatically search for and locate
12 a set of said status information as those means are described in the specification.

13 **C. The ‘359 Patent is Invalid and Not Infringed.**

14 35. Shipping and Transit asserts that GlobalTranz infringes claim 41 of the ‘359 Patent.
15 The ‘359 Patent is titled “Notification Systems and Methods with User-Definable Notifications
16 Based Upon Occurrence of Events,” was filed on May 12, 2003, and claims an earliest priority date
17 of May 18, 1993.

18 36. The ‘359 Patent expired on May 18, 2013, by operation of law. Therefore, Shipping
19 and Transit may only seek damages for actions that occurred on or before May 18, 2013. Pursuant
20 to 35 U.S.C. § 287, damages for past infringement can only accrue once the patentee has marked a
21 product or the alleged infringer had notice of the infringement and continued to infringe. Shipping
22 and Transit did not provide GlobalTranz with notice of alleged infringement until September 22,
23 2016. Moreover, Shipping and Transit failed to comply with marking requirements under 35 U.S.C.
24 § 287. Therefore, Shipping and Transit is not entitled to damages for any alleged past infringement
25 of the ‘359 Patent.

26 37. Claim 41 of the ‘359 Patent states:

27 41. A notification system, comprising:
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1 (a) means for permitting a user to predefine one or more events that will
2 cause creation and communication of a notification relating to the status of
a mobile vehicle in relation to a location, comprising:

3 (1) means for permitting the user to electronically communicate
4 during a first communication link with the notification system from
a user communications device that is remote from the notification
5 system; and

6 (2) means for receiving during the first communication link an
7 identification of the one or more events relating to the status of the
8 vehicle, wherein the one or more events comprises at least one of
9 the following: distance information specified by the user that is
10 indicative of a distance between the vehicle and the location,
location information specified by the user that is indicative of a
11 location or region that the vehicle achieves during travel, time
information specified by the user that is indicative of a time for
12 travel of the vehicle to the location, or a number of one or more
stops that the vehicle accomplishes prior to arriving at the location;
13 and

(b) means for establishing a second communication link between the system and the
14 user upon occurrence of the one or more events.

15 38. The ‘359 Patent is invalid for failure to comply with one or more of 35 U.S.C. §§
16 101, 102, 103, and 112, and GlobalTranz does not infringe claim 41 or any other claim of the ‘359
17 Patent because GlobalTranz does not practice all limitations of any claim of the ‘359 Patent.

18 39. The claims of the ‘359 Patent are invalid as they are directed to unpatentable subject
19 matter and therefore do not meet the standard under 35 U.S.C. § 101 as set forth by the Supreme
20 Court in *Alice Corp. Pty.*, 134 S. Ct. 2347.

21 40. The asserted claim 41 of the ‘359 Patent is directed to the abstract idea of a
22 notification system. To be valid, claim 41 must recite some inventive concept beyond this abstract
concept to meet the standard set forth by the Supreme Court in the *Alice* decision. *See id.* at 2355-
57.

23 41. Claim 41 generally includes four “means” limitations for a monitoring system – (a)
24 means for permitting a user to predefine one or more events; (b) means for permitting the user to
25 electronically communicate during a first communication link; (c) means for receiving during the
26 first communication link an identification of the one or more events; and (d) means for establishing
27 a second communication link – none of which recite an inventive concept as required by the
28 Supreme Court *Alice* decision to make the subject matter of the claim patent eligible.

1 42. As with claim 5 of the ‘207 Patent, in essence, claim 41 is directed to fundamental
2 economic activity implemented by generic computer technology. The Federal Circuit has found
3 such claims to be patent ineligible. *See, Mortgage Grader*, 811 F.3d at 1326.

4 43. Claim 41 is a means-plus-function claim, and thus, is limited to the means described
5 in the specification and equivalents thereof.

6 44. Even if valid, GlobalTranz does not infringe claim 41 of the ‘359 Patent. By way of
7 example only, GlobalTranz’s systems and services do not have a means for receiving during the first
8 communication link an identification of the one or more events relating to the status of the vehicle
9 nor a means for establishing a second communication link between the system and the user upon
10 occurrence of the one or more events as those means are described in the specification.

11 **D. The ‘299 Patent is Invalid and Not Infringed.**

12 45. Shipping and Transit asserts that GlobalTranz infringes claim 79 of the ‘299 Patent.
13 The ‘299 Patent is titled “Notification Systems and Methods with Notifications Based Upon Prior
14 Stop Locations,” was filed on May 12, 2003, and claims an earliest priority date of May 18, 1993.

15 46. The ‘299 Patent expired on May 18, 2013, by operation of law. Therefore, Shipping
16 and Transit may only seek damages for actions that occurred on or before May 18, 2013. Pursuant
17 to 35 U.S.C. § 287, damages for past infringement can only accrue once the patentee has marked a
18 product or the alleged infringer had notice of the infringement and continued to infringe. Shipping
19 and Transit did not provide GlobalTranz with notice of alleged infringement until September 22,
20 2016. Moreover, Shipping and Transit failed to comply with marking requirements under 35 U.S.C.
21 § 287. Therefore, Shipping and Transit is not entitled to damages for any alleged past infringement
22 of the ‘299 Patent.

23 47. Claim 79 of the ‘229 Patent states:

24 79. A system, comprising:

25 means for maintaining delivery information identifying a plurality of stop locations;

26 means for monitoring travel data associated with a vehicle in relation to
27 the delivery information;

28 means for, when the vehicle approaches, is at, or leaves a stop location:
determining a subsequent stop location in the delivery information;

1 determining user defined preferences data associated with the stop
2 location, the user defined preferences data including a distance
3 between the vehicle and the subsequent stop that corresponds to
4 when the party wishes to receive the communication; and

5 sending a communication to a party associated with the
6 subsequent stop location in accordance with the user defined
7 preferences data to notify the party of impending arrival at the
8 subsequent stop location.

9 48. The '299 Patent is invalid for failure to comply with one or more of 35 U.S.C. §§
10 101, 102, 103, and 112, and GlobalTranz does not infringe claim 79 or any other claim of the '299
11 Patent because GlobalTranz does not practice all limitations of any claim of the '299 Patent.

12 49. The claims of the '299 Patent are invalid as they are directed to unpatentable subject
13 matter and therefore, do not meet the standard under 35 U.S.C. § 101 as set forth by the Supreme
14 Court in *Alice Corp. Pty.*, 134 S. Ct. 2347.

15 50. The asserted claim 79 of the '299 Patent is directed to the abstract idea of a system.
16 To be valid, claim 79 must recite some inventive concept beyond this abstract idea to meet the
17 standard set forth by the Supreme Court in the *Alice* decision. See *id.* at 2355-57.

18 51. Claim 79 generally includes three means limitations for the system – (a) means for
19 maintaining delivery information; (b) means for monitoring travel data; and (c) means for
20 determining stop location, determining user preferences data, and sending a communication – none
21 of which recite an inventive concept as required by the Supreme Court *Alice* decision to make the
22 subject matter of the claim patent eligible.

23 52. As with previously discussed claims, in essence, claim 79 is directed to fundamental
24 economic activity implemented by generic computer technology. The Federal Circuit has found
25 such claims to be patent ineligible. See, *Mortgage Grader*, 811 F.3d at 1326.

26 53. Claim 79 is a means-plus-function claim, and thus, is limited to the means described
27 in the specification and equivalents thereof.

28 54. Even if valid, GlobalTranz does not infringe claim 79 of the '299 Patent. By way of
example only, GlobalTranz's systems and services do not have a means for maintaining delivery

1 information identifying a plurality of stops nor a means for determining user defined preferences
2 data including a distance as those means are described in the specification.

3 **D. The '970 Patent is Invalid and Not Infringed.**

4 55. Shipping and Transit asserts that GlobalTranz infringes claim 1 of the '970 Patent.
5 The '970 Patent is titled "System and Method for an Advance Notification System for Monitoring
6 and Reporting Proximity of a Vehicle," was filed on May 9, 2006, and claims an earliest priority
7 date of May 18, 1993.

8 56. The '970 Patent expired on May 18, 2013, by operation of law. Therefore, Shipping
9 and Transit may only seek damages for actions that occurred on or before May 18, 2013. Pursuant
10 to 35 U.S.C. § 287, damages for past infringement can only accrue once the patentee has marked a
11 product or the alleged infringer had notice of the infringement and continued to infringe. Shipping
12 and Transit did not provide GlobalTranz with notice of alleged infringement until September 22,
13 2016. Moreover, Shipping and Transit failed to comply with marking requirements under 35 U.S.C.
14 § 287. Therefore, Shipping and Transit is not entitled to damages for any alleged past infringement
15 of the '970 Patent.

16 57. Claim 1 of the '970 Patent states:

17 1. A computer based notification system, comprising:

18 means for enabling communication with a user that is designated to
19 receive delivery of a package;

20 means for presenting one or more selectable options to the user, the
21 selectable options including at least an activation option for
instigating monitoring of travel data associated with a vehicle that
is delivering the package to the user;

22 means for requesting entry by the user of a package identification
23 number or package delivery number, each pertaining to delivery of
the package;

24 means for identifying the vehicle based upon the entry;

25 means for requesting entry by the user of contact information
26 indicating one or more communication media to be used in
connection with a notification communication to the user;

27 means for monitoring the travel data; and
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1 means for initiating the notification communication pertaining to the package
2 via the one or more communication media, based upon the travel data.

3 58. The '970 Patent is invalid for failure to comply with one or more of 35 U.S.C. §§
4 101, 102, 103, and 112, and GlobalTranz does not infringe claim 1 or any other claim of the '970
5 Patent because GlobalTranz does not practice all limitations of any claim of the '970 Patent.

6 59. The claims of the '970 Patent are invalid as they are directed to unpatentable subject
7 matter and therefore do not meet the standard under 35 U.S.C. § 101 as set forth by the Supreme
8 Court in *Alice Corp. Pty.*, 134 S. Ct. 2347.

9 60. The asserted claim 1 of the '970 Patent is directed to the abstract idea of a computer
10 based notification system. To be valid, claim 1 must recite some inventive concept beyond this
11 abstract idea to meet the standard set forth by the Supreme Court in the *Alice* decision. *See id.* at
12 2355-57.

13 61. Claim 1 includes seven means limitations for the system – (a) means for enabling
14 communication; (b) means for presenting selectable options; (c) means for means for requesting
15 entry of an identification number; (d) means for identifying the vehicle; (e) means for requesting
16 entry by the user of contact information; (f) means for monitoring the travel data; and (g) means for
17 initiating the notification communication – none of which recite an inventive concept as required by
18 the Supreme Court *Alice* decision to make the subject matter of the claim patent eligible.

19 62. As with previously discussed claims, in essence, claim 1 is directed to fundamental
20 economic activity implemented by generic computer technology. The Federal Circuit has found
21 such claims to be patent ineligible. *See, Mortgage Grader, Inc.*, 811 F.3d 1326.

22 63. Claim 1 is a means-plus-function claim, and thus, is limited to the means described
23 in the specification and equivalents thereof.

24 64. Even if valid, GlobalTranz does not infringe claim 1 of the '970 Patent. By way of
25 example only, GlobalTranz's systems and services do not have means for presenting one or more
26 selectable options to the user, the selectable options including at least an activation option for
27 instigating monitoring of travel data associated with a vehicle that is delivering the package to the
28 user nor a means for requesting entry by the user of a package identification number or package

1 delivery number, each pertaining to delivery of the package as those means are described in the
2 specification.

3 **COUNT I**
4 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '207 PATENT**

5 65. GlobalTranz incorporates each of the allegations of paragraphs 1 through 64 above,
6 as if fully set forth herein.

7 66. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§ 1331,
8 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
9 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
10 Shipping and Transit regarding GlobalTranz's alleged infringement of the '207 Patent.

11 67. GlobalTranz's systems and services do not and will not infringe the '207 Patent.

12 68. Accordingly, GlobalTranz is entitled to a declaratory judgment that it has not
13 infringed, induced others to infringe, or contributed to the infringement of the '207 Patent.

14 **COUNT II**
15 **DECLARATORY JUDGMENT OF INVALIDITY OF THE '207 PATENT**

16 69. GlobalTranz incorporates each of the allegations of paragraphs 1 through 68 above,
17 as if fully set forth herein.

18 70. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§1331,
19 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
20 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
21 Shipping and Transit regarding the validity of the '207 Patent.

22 71. The 207 patent is invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and/or
23 112 for at least the reasons described above.

24 72. Accordingly, GlobalTranz is entitled to a declaratory judgment that all claims of the
25 '207 Patent are invalid.

1 **COUNT III**
2 **DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '359 PATENT**

3 73. GlobalTranz incorporates each of the allegations of paragraphs 1 through 72 above,
4 as if fully set forth herein.

5 74. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§ 1331,
6 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
7 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
8 Shipping and Transit regarding GlobalTranz's alleged infringement of the '359 Patent.

9 75. GlobalTranz's systems and services do not and will not infringe the '359 Patent.

10 76. Accordingly, GlobalTranz is entitled to a declaratory judgment that it has not
11 infringed, induced others to infringe, or contributed to the infringement of the '359 Patent.

12 77. In the alternative, GlobalTranz is entitled to a declaratory judgment that Shipping and
13 Transit is not entitled to damages in connection with the '359 Patent, which expired on May 18,
14 2013, because Shipping and Transit did not provide actual notice of alleged infringement to
15 GlobalTranz until September 22, 2016, and Shipping and Transit failed to comply with the marking
16 requirements of 35 U.S.C. § 287.

17 **COUNT IV**
18 **DECLARATORY JUDGMENT OF INVALIDITY OF THE '359 PATENT**

19 78. GlobalTranz incorporates each of the allegations of paragraphs 1 through 77 above,
20 as if fully set forth herein.

21 79. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§1331,
22 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
23 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
24 Shipping and Transit regarding the validity of the '359 Patent.

25 80. The '359 Patent is invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and/or
26 112 for at least the reasons described above.

27 81. Accordingly, GlobalTranz is entitled to a declaratory judgment that all claims of the
28 '359 Patent are invalid.

1 **COUNT V**
2 **DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '299 PATENT**

3 82. GlobalTranz incorporates each of the allegations of paragraphs 1 through 81 above,
4 as if fully set forth herein.

5 83. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§ 1331,
6 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
7 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
8 Shipping and Transit regarding GlobalTranz's alleged infringement of the '299 Patent.

9 84. GlobalTranz's systems and business do not and will not infringe the '299 Patent.

10 85. Accordingly, GlobalTranz is entitled to a declaratory judgment that it has not
11 infringed, induced others to infringe, or contributed to the infringement of the '299 Patent.

12 86. In the alternative, GlobalTranz is entitled to a declaratory judgment that Shipping and
13 Transit is not entitled to damages in connection with the '299 Patent, which expired on May 18,
14 2013, because Shipping and Transit did not provide actual notice of alleged infringement to
15 GlobalTranz until September 22, 2016, and Shipping and Transit failed to comply with the marking
16 requirements of 35 U.S.C. § 287.

17 **COUNT VI**
18 **DECLARATORY JUDGMENT OF INVALIDITY OF THE '299 PATENT**

19 87. GlobalTranz incorporates each of the allegations of paragraphs 1 through 86 above,
20 as if fully set forth herein.

21 88. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§1331,
22 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
23 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
24 Shipping and Transit regarding the validity of the '299 Patent.

25 89. The '299 Patent is invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and/or
26 112 for at least the reasons described above.

27 90. Accordingly, GlobalTranz is entitled to a declaratory judgment that all claims of the
28 '299 Patent are invalid.

1 **COUNT VII**
2 **DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '970 PATENT**

3 91. GlobalTranz incorporates each of the allegations of paragraphs 1 through 90 above,
4 as if fully set forth herein.

5 92. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§ 1331,
6 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
7 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
8 Shipping and Transit regarding GlobalTranz's alleged infringement of the '970 Patent.

9 93. GlobalTranz's systems and business do not and will not infringe the '970 Patent.

10 94. Accordingly, GlobalTranz is entitled to a declaratory judgment that it has not
11 infringed, induced others to infringe, or contributed to the infringement of the '970 Patent.

12 95. In the alternative, GlobalTranz is entitled to a declaratory judgment that Shipping and
13 Transit is not entitled to damages in connection with the '970 Patent, which expired on May 18,
14 2013, because Shipping and Transit did not provide actual notice of alleged infringement to
15 GlobalTranz until September 22, 2016, and Shipping and Transit failed to comply with the marking
16 requirements of 35 U.S.C. § 287.

17 **COUNT VIII**
18 **DECLARATORY JUDGMENT OF INVALIDITY OF THE '970 PATENT**

19 96. GlobalTranz incorporates each of the allegations of paragraphs 1 through 95 above,
20 as if fully set forth herein.

21 97. This Court has subject matter jurisdiction over this count under 28 U.S.C. §§1331,
22 1338, and 2201 because a present, genuine, actual, and justiciable controversy exists under 28
23 U.S.C. §§ 2201 and 2202 and the patent laws, 35 U.S.C. § 1 *et seq.*, between GlobalTranz and
24 Shipping and Transit regarding the validity of the '970 Patent.

25 98. The '970 Patent is invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and/or
26 112 for at least the reasons described above.

27 99. Accordingly, GlobalTranz is entitled to a declaratory judgment that all claims of the
28 '970 Patent are invalid.

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PRAYER FOR RELIEF

Wherefore, GlobalTranz prays that the Court enter a final order and judgement that:

- A. U.S. Patent No. 6,415,207 in not directly or indirectly infringed by GlobalTranz;
- B. U.S. Patent No. 6,415,207 is invalid;
- C. U.S. Patent No. 6,904,359 in not directly or indirectly infringed by GlobalTranz;
- D. U.S. Patent No. 6,904,359 is invalid;
- E. U.S. Patent No. 6,769,299 in not directly or indirectly infringed by GlobalTranz;
- F. U.S. Patent No. 6,769,299 is invalid;
- G. U.S. Patent No. 7,400,970 in not directly or indirectly infringed by GlobalTranz; and
- H. U.S. Patent No. 7,400,970 is invalid.

JURY DEMAND

GlobalTranz demands a trial by jury on all issues so triable.

Dated: November 21, 2016.

CHIPMAN GLASSER, LLC

By: /s/ Daniel W. Glasser

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