

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUMAN SCIENCES HC LTD.,

Plaintiff,

v.

FEDEX CORP., FEDEX FREIGHT, INC., and
FEDEX CUSTOM CRITICAL, INC.,

Defendants.

Case No.: 1:16-cv-11449

JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Human Sciences HC Ltd. (“Human Sciences”) for its Complaint against Defendants FedEx Corp., FedEx Freight, Inc., and FedEx Custom Critical, Inc. (collectively “FedEx” or “Defendants”), states as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

PARTIES

2. Plaintiff Human Sciences HC Ltd. is a company organized and existing under the laws of Hong Kong, with its principal place of business at Unit 402, 4th Floor, Fairmont House, No. 8 Cotton Tree Drive, Admiralty, Hong Kong. Human Sciences HC Ltd. has its only United States office in Elk Grove Village, Illinois.

3. On information and belief, Defendant FedEx Corp. is a Delaware corporation with its principal place of business at 942 South Shady Grove Road, Memphis, Tennessee.

4. On information and belief, Defendant FedEx Freight, Inc. is an Arkansas corporation with its principal place of business at 942 South Shady Grove Road, Memphis, Tennessee.

5. On information and belief, Defendant FedEx Custom Critical, Inc. is an Ohio corporation with its principal place of business at 1475 Boettler Rd., Uniontown, Ohio.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this patent infringement action under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants FedEx Corp., FedEx Freight, Inc., and FedEx Custom Critical, Inc. because, on information and belief, Defendants regularly transact business in the State of Illinois and in this judicial district and it has thereby purposefully availed itself of the benefits and protections of the laws of the State of Illinois. Furthermore, this Court has personal jurisdiction over Defendants because, on information and belief, Defendants have committed acts of patent infringement giving rise to this action within the State of Illinois, including but not limited to offering for sale, selling, and using their SenseAware devices and ShipmentWatch system in the State of Illinois, and have thus established minimum contacts such that the exercise of personal jurisdiction over Defendants does not offend traditional notions of fair play and substantial justice.

8. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

9. The allegations set forth in the foregoing paragraphs 1 through 8 are hereby re-alleged and incorporated herein by reference.

The '138 Patent

10. On May 16, 2006, U.S. Patent Number 7,046,138 (“the ’138 Patent”), entitled “System and Method for Monitoring a Security of an Asset,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’138 Patent is attached as Exhibit A to this Complaint.

11. The innovations disclosed in the ’138 Patent “relate[] to a security system, and more particularly to a global system and method for monitoring a security of an asset to detect a security threat.” (’138 Patent at 1:14-16). The invention is designed to meet “a need for a reliable security system that provides the customer with a comprehensive security protection for fixed and mobile assets.” (’138 Patent at 3:11-13).

12. A system operating according to an embodiment of the ’138 Patent can include an agent, defined as a “self-powered electrical or electromechanical sensing and communicating device for monitoring a physical location and a security status” of an asset, which may monitor a mobile asset that may be a “container, pallet, or an individual or any other asset that is mobile and traveling between an origination and a destination or an unknown route.” (’138 Patent at 4:42-45, 4:55-59). The agent may include door position sensors, light sensors, or other sensors for sensing a physical and environmental security. (’138 Patent at 5:7-11). In embodiments, security status data may be transmitted from an agent to a master control unit, which is in turn retransmitted to a global operations center. (’138 Patent at 7:20-27). The security status data is analyzed to detect a security threat, and if a threat is detected, the threat is responded to in accordance with a process stored in a threat process database. (’138 Patent at 7:27-31). The response may be “to send an alarm or a notification to an appropriate official or agency in accordance with the security process.” (’138 Patent at 6:26-28).

13. In one embodiment, the process followed in responding to a detected threat may be a process provided by a customer. ('138 Patent at 8:65-66). The customer may install its existing security process so that the security threat is determined and responded to according to the customer's direction. ('138 Patent at 9:6-14). Agents may be leased to a customer for use with the security system of the invention. ('138 Patent at 10:6-7).

14. The '138 Patent and all rights thereto are validly assigned to Human Sciences HC Limited.

The '037 Patent

15. On April 24, 2007, U.S. Patent Number 7,209,037 ("the '037 Patent"), entitled "System and Method for Monitoring a Security of an Asset" was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '037 Patent is attached as Exhibit B to this Complaint.

16. The '037 Patent is a continuation of United States Patent Application Ser. No. 10/648,933, which issued as the '138 Patent. Accordingly, it shares a common specification and a common description of its innovations with the '138 Patent.

17. The '037 Patent and all rights thereto are validly assigned to Human Sciences HC Limited.

The '479 Patent

18. On July 13, 2010, U.S. Patent Number 7,755,479 ("the '479 Patent"), entitled "Global Intelligent Remote Detection System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '479 Patent is attached as Exhibit C to this Complaint.

19. The innovations disclosed by the '479 Patent relate to "providing a security system for tracking a security status of assets." ('479 Patent at 3:38-40). The invention is designed to meet

“a need for a reliable tracking system that provides the customer with a comprehensive security status of the container during transit.” (’479 Patent at 3:31-33).

20. A system operating according to an embodiment of the ’479 Patent is largely similar to the system described by the ’138 Patent, including an agent connected with an asset being monitored (’479 Patent at 12:12-13); the agent having sensors to detect, *inter alia*, opening and closing of a door, tampering with a container, or a change in temperature within the container (’479 Patent at 9:55-10:5); a master control unit that receives security status data from the agent(s) and retransmits it to a global operations center (’479 Patent at 10:18-23); and threat analysis software for detecting and responding to security threats (’479 Patent at 11:60-67).

21. The ’479 Patent and all rights thereto are validly assigned to Human Sciences HC Limited.

THE ACCUSED SENSEAWARE DEVICES AND SHIPMENTWATCH SYSTEM

22. FedEx’s SenseAware Devices are small electronic devices that FedEx leases to users to place inside packages or containers being shipped and thereby monitor and track the security status of such packages or containers. *See, e.g.*, <http://www.senseaware.com/wp-content/uploads/SA-PT300D-spec-sheet.pdf>

23. FedEx’s SenseAware Devices include sensors that monitor the location, temperature, exposure to light, relative humidity, barometric pressure, and shock of the package or container being monitored. *Id.*

24. On information and belief, FedEx’s SenseAware Devices communicate the security data generated by their sensors to a server operated by FedEx wirelessly using a cellular network. *Id.*

25. On information and belief, a centralized server operated by FedEx receives and analyzes the security data generated by the SenseAware devices, and reports that data and analysis

to customers through a web-based Internet application. *See, e.g.*, <http://www.senseaware.com/wp-content/uploads/SA2000-collateral-update-02-19-16.pdf>.

26. On information and belief, FedEx launched a monitoring system named ShipmentWatch around April 2013. *See, e.g.*, <http://about.van.fedex.com/newsroom/global-english/fedex-custom-critical-launches-shipmentwatch/>.

27. On information and belief, the ShipmentWatch system manages and analyzes data from the SenseAware devices that are programmed to a customer's specifications. *Id.*

28. On information and belief, the ShipmentWatch system includes a global operations center where FedEx employees and computers monitor and respond to security threats detected by SenseAware devices. *See, e.g.*, <https://www.youtube.com/watch?v=Lf6SdEncuaI>

COUNT 1 – INFRINGEMENT OF THE '138 PATENT

29. Human Sciences realleges paragraphs 1 through 28 as though fully set forth herein.

30. The '138 Patent is valid and enforceable.

31. On information and belief, Defendants have directly infringed, and continue to directly infringe, at least claims 11-13, 15, 22, 26-27, 33-35, and 44 of the '138 Patent, either literally and/or under the doctrine of equivalents, by making, using, offering to sell, or selling the SenseAware devices and ShipmentWatch system, which reads on at least the methods taught by independent Claims 11 and 44 and dependent Claims 12-13, 15, 22, 26-27, and 33-35 of the '138 Patent.

32. Human Sciences has given Defendants notice of their infringement at least by virtue of service or acknowledged delivery of this complaint.

33. Human Sciences has been and continues to be damaged by Defendants' infringement of the '138 Patent.

COUNT 2 – INFRINGEMENT OF THE '037 PATENT

34. Human Sciences realleges paragraphs 1 through 33 as though fully set forth herein.

35. The '037 Patent is valid and enforceable.

36. On information and belief, Defendants have directly infringed, and continue to directly infringe, at least Claims 1-5, 10, 12-14, 16, 23, 27-28, and 35-39 of the '037 Patent in violation of 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, offering to sell, or selling the SenseAware devices and ShipmentWatch system, which reads on at least the systems taught by independent Claim 1 and dependent Claims 2-5 and 10, and the methods taught by independent Claims 12 and 38 and dependent Claims 13-14, 16, 23, 27-28, 35-37, and 39 of the '037 Patent.

37. Human Sciences has given Defendants notice of their infringement at least by virtue of service or acknowledged delivery of this complaint.

38. Human Sciences has been and continues to be damaged by Defendants' infringement of the '037 Patent.

COUNT 3 – INFRINGEMENT OF THE '479 PATENT

39. Human Sciences realleges paragraphs 1 through 38 as though fully set forth herein.

40. The '479 Patent is valid and enforceable.

41. On information and belief, Defendants have directly infringed, and continue to directly infringe, at least Claims 1-2, 7, 10, 28-29, 31, 33, 48-50, 57, and 60-64 of the '479 Patent in violation of 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, offering to sell, or selling the SenseAware devices and ShipmentWatch system, which reads on at least the systems taught by independent Claims 1 and 28 and dependent Claims 2, 7, 10, 29, 31, and 33, and the methods taught by independent Claim 48 and dependent Claims 49-50, 57, and 60-64 of the '479 Patent.

42. Human Sciences has given Defendants notice of their infringement at least by virtue of service or acknowledged delivery of this complaint.

43. Human Sciences has been and continues to be damaged by Defendants' infringement of the '479 Patent.

JURY DEMAND

44. Human Sciences demands a trial by jury of any and all issues triable of right before a jury, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Human Sciences requests that Judgment be entered in favor of Human Sciences and against Defendants, and that Human Sciences be granted the following relief:

- (i) A declaration that Defendants have directly infringed one or more claims of the '138 Patent, either literally and/or under the doctrine of equivalents;
- (ii) A declaration that Defendants have directly infringed one or more claims of the '037 Patent, either literally and/or under the doctrine of equivalents;
- (iii) A declaration that Defendants have directly infringed one or more claims of the '479 Patent, either literally and/or under the doctrine of equivalents;
- (iv) An award of damages sufficient to compensate Human Sciences for Defendants' infringement of the '138 Patent, the '037 Patent, and the '479 Patent, pursuant to 35 U.S.C. § 284;
- (v) An award of prejudgment and post-judgment interest, pursuant to 35 U.S.C. § 284; and
- (vi) Such other and further relief as this Court shall deem appropriate.

Dated: December 19, 2016

Respectfully submitted,

By: /s/ William Cory Spence

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**ATTORNEYS FOR PLAINTIFF
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