

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

<p>Flectere LLC, Plaintiff, v. United Parcel Service, Inc., Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Flectere LLC (“Flectere”), through its attorney, complains of United Postal Service, Inc. (“UPS”), and alleges the following:

PARTIES

1. Plaintiff Flectere LLC is a corporation organized and existing under the laws of Texas and maintains its principal place of business at 1400 Preston Road, Suite 400, Suite 300, Plano, TX 75093.

2. Defendant United Parcel Service, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 55 Glenlake Parkway, N.E., Atlanta, GA 30328.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over UPS because it has engaged in systematic and continuous business activities in the Eastern District of Texas. Specifically, UPS provides its full range of services to residents in this District. As described below, UPS has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because UPS has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, UPS has retail stores in this location, including a store located at 3948 Legacy Dr., Suite 106, Plano, TX 75023. In addition, Flectere has suffered harm in this district.

PATENTS-IN-SUIT

7. Flectere is the assignee of all right, title and interest in United States Patent Nos. 6,272,506 (the "'506 Patent"), and 6,401,094 (the "'094 Patent") (collectively, the "Patents-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Flectere possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by UPS.

The '506 Patent

8. On August 7, 2001, the United States Patent and Trademark Office issued the '506 Patent. The '506 Patent is titled "Computerized Verification Form Processing System and Method." The application leading to the '506 Patent was filed on September 12, 1997. A true and correct copy of the '506 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '506 Patent is valid and enforceable.

10. The inventors recognized that there was a need for improving computerized form processing systems that complied with current manufacturing procedures. Ex. A, 2:46-48.

11. The invention in the '506 Patent provides an improved computerized form processing system and method. Ex. A, 2:15-18.

12. To this end, the inventors recognized the importance of automatically keeping track of changes and complying with government regulations. Ex. A, 4:48-52. (“Thus, system 20, FIG. 2 provides an improved computerized form processing System and method which automatically keeps track of all changes made to data entries in a computerized form and therefore complies with FDA requirements concerning data changes.”).

The '094 Patent

13. On June 4, 2002, the United States Patent and Trademark Office issued the '094 Patent. The '094 Patent is titled “System and Method for Presenting Information in Accordance with User Preference.” The application leading to the '094 Patent was filed on May 27, 1999. A true and correct copy of the '094 Patent is attached hereto as Exhibit B and incorporated herein by reference.

14. The '094 Patent is valid and enforceable.

15. The inventors recognized that there was a need for users to dynamically format web pages according to their preferences. Ex. B, 2:2–12.

16. To this end, the inventors created a system and method of web pages that allow users to customize based on preference. Ex. B, 2:13–20. (“To achieve the above and other objects, the present invention is directed to a system and method. . . for delivering information to a user in a format selected by the user. The information, instead of being stored in a static HTML document, is dynamically formatted for each user. . .”).

COUNT I: INFRINGEMENT OF THE '506 PATENT

17. Flectere incorporates the above paragraphs herein by reference.

18. **Direct Infringement.** UPS has been and continues to directly infringe at least Claim 11 of the '506 Patent in this District and elsewhere in the United States by providing a “computerized form processing system,” for example, UPS’ address validation portal, that is a computerized form processing system allowing users to fill in their contact information. *See* Figure 1, available at: https://www.ups.com/address_validator/search.

The image shows a screenshot of the UPS website's address validation portal. At the top, there is a dark navigation bar with the UPS logo, 'QUICK START' with a dropdown arrow, and 'Tracking'. Below this is a white box titled 'Verify Your Shipping Address' with a 'Help' link. The text inside the box explains that validating a shipping address helps ensure prompt and accurate delivery. It instructs users to enter address information, with required fields in bold. The form fields are: 'Address Company or Name' (text input), 'Street' (text input), 'Suite/Room/Floor' (text input), 'City' (text input), 'State' (dropdown menu with 'None' selected), and 'Postal Code*' (text input with a plus sign for ZIP+4). Below these is a note: '(*Postal Code not required when city & state are given)'. There is a 'Country or Territory' dropdown menu with 'United States' selected. At the bottom of the form, there is a 'Note' about liability and accuracy, and two buttons: 'Clear' and 'Validate'.

Figure 1. UPS’ address validation portal allows users to fill in their contact information.

19. UPS’ address validation portal has Claim element 11(a): “a database for storing at least one form including one or more fields.” For example, UPS’ address validation portal internally stores data entered into the form. *See* Figure 2, available at:

https://www.ups.com/address_validator/search; *see also* Figure 1.

Verify Your Shipping Address

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        </span>
    </tr>
</tbody>
</table>
<!-- End Table: Module Header (Parent:Formatting Table) --->
<!-- Begin table: Module Body(1) (Parent:Formatting Table) -->
▶<table cellspacing="0" cellpadding="0" bgcolor="#cccccc" border="0">_</table>
<!-- End table: Module Body(1) (Parent:Formatting Table) -->
<!-- Begin table: Module Body(4) (Parent:Formatting Table) -->
▼<table cellspacing="0" cellpadding="0" bgcolor="#cccccc" border="0">
  ▼<tbody>
    ▼<tr>
      ▼<td>
        ▼<div class="modulepad">
          <span class="brownbold">Address</span>
          <br>
          "
          <br>
          <input size="29" value name="IAV_COMPANY_NAME" tabindex="1" maxlength="35"> == $0
          <br>
          <span class="bold">Street:</span>
          <br>
          <input size="29" value name="IAV_ADDRESS_LINE1" tabindex="2" maxlength="50">
          <br>
          =
    </td>
  </tr>
</tbody>
</table>

```

Figure 2. UPS' address validation portal internally stores data entered into the form.

20. UPS' address validation portal has Claim element 11(b): "a viewer for viewing a stored form." For example, UPS' address validation portal allows users to see the data they enter into the form. See Figure 3, available at: https://www.ups.com/address_validator/search.

Address
Company or Name:

Street:

Suite/Room/Floor:

City:

State:

Postal Code*:
 +

Figure 3. UPS' address validation portal allows users to see the data they enter into the form.

21. UPS' address validation portal has Claim element 11(c): "a data entry device for allowing a user to enter information into the fields of the form." For example, UPS' address validation portal allows users to enter in data, such as street address, into the form. *See* Figure 4, available at: https://www.ups.com/address_validator/search.

Street:
1400 preston rd ste 400

Suite/Room/Floor:

City:

State:
None ▼

Postal Code*:
75093 +

(*Postal Code not required when city & state are given)

Country or Territory:
United States ▼

Note: UPS assumes no liability for the information provided by the UPS Address Validation Page. The Address Validation Page does not support the identification or verification of occupants at an address. The customer is responsible for the accuracy of all information contained on shipping documents and all fees as a result of address corrections.

Clear Validate

Figure 4. UPS' address validation portal allows users to enter in data, such as street address, into the form.

22. UPS' address validation portal has Claim element 11(d): "a monitoring routine configured to actively monitor whether previously entered information in a field of the form is being changed by the user." For example, UPS' address validation portal monitors whether previously entered information is being changed by users. See Figure 4; see also Figure 5, available at: https://www.ups.com/address_validator/validate.

View Suggested Addresses [Help](#)

An address match was found for the information you entered. Any information highlighted in the address below has been updated from what you originally input. Please copy or print the address below and update your address book.

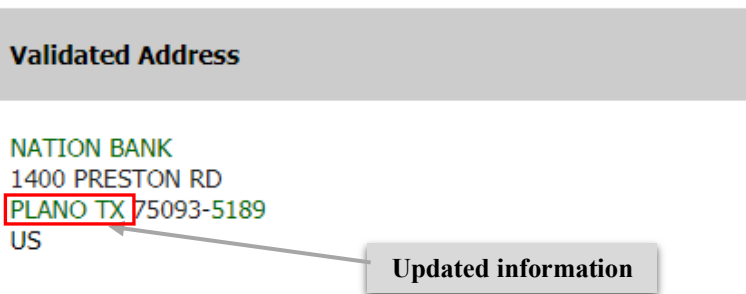


Figure 5. UPS' address validation portal monitors whether previously entered information is being changed by users.

23. UPS' address validation portal has Claim element 11(e): "a field modification verification routine configured to, on the viewer, prompt the user to sign off on any such change." For example, UPS' address validation portal will ask users whether they want to use a verified shipping address instead of the address they manually entered and is configured to then prompt the user to sign off on a change to the address information. See Figure 6, available at: <https://www.ups.com/us/en/shipping/create/address-validator/help.page>; see also Figure 7, available at: https://www.ups.com/address_validator/validate.

What is UPS Address Validation?

UPS Address Validation compares an address to a standard database of address possibilities. A successful validation attempt indicates that the address information you provided exists in the database.

Validating your shipping address can help ensure prompt and accurate delivery of your package. However, an exact match does not guarantee that the physical address exists, or that the intended company or recipient occupies the address provided.

Example 2: Business Has Moved: In this example, you are attempting to ship your package to a business that has moved.

Address Entered:

625 W. 55th Street
Floor 5
New York, NY 10019

UPS Address Validation Response:

625 W. 55th Street
FL 5
New York, NY
10019-3560

Proper UPS Address: The company has moved across town.

Result: You are presented with what appears to be a valid address, when in fact, the company has recently moved. In this case, your shipment might have been delayed, and you may have been billed an Address Correction charge.

Explanation: UPS Address Validation does not verify that the business or individual listed exists at the address provided. It only validates that the address exists in the database.

Figure 6. UPS' address validation portal will ask users whether they want to use a verified shipping address instead of the address they manually entered.

Validate an Address

View Suggested Addresses [Help](#)

An address match was found for the information you entered. Any information highlighted in the address below has been updated from what you originally input. Please copy or print the address below and update your address book.

Validated Address

NATION BANK
1400 PRESTON RD
PLANO TX 75093-5189
US

Note: The address information displayed has been standardized to accept abbreviations where applicable.

Note: UPS assumes no liability for the information provided by the UPS Address Validation Page. The Address Validation Page does not support the identification or verification of occupants at an address. The customer is responsible for the accuracy of all information contained on shipping documents and all fees as a result of address corrections.

[→ Modify Search](#)
[→ New Search](#)

Options available to a

Figure 7. UPS' address validation portal will ask users whether they want to use a verified shipping address instead of the address they manually entered.

24. **Induced Infringement.** UPS has also actively induced, and continues to induce, the infringement of at least Claim 11 of the '506 Patent by actively inducing its customers, including merchants and end-users to use UPS' website in an infringing manner as described above. Upon information and belief, UPS has specifically intended that its customers use its website that infringe at least Claim 11 of the '506 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least Claim 11 of the '506 Patent, as described above. Even where performance of the steps required to infringe at least Claim 11 of the '506 Patent is accomplished by UPS and UPS' customer jointly, UPS' actions have solely caused all of the steps to be performed.

25. Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

26. Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE '094 PATENT

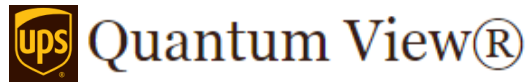
27. Flectere incorporates the above paragraphs herein by reference.

28. **Direct Infringement.** UPS has been and continues to directly infringe at least Claim 13 of the '094 Patent in this District and elsewhere in the United States by providing a method for "presenting information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation," for example, UPS' Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users. Figure 8, available at:

<https://www.ups.com/us/en/services/tracking/quantum-view.page>; *see* Figure 9, available at:

<https://www.ups.com/us/en/services/tracking/quantum-view/manage.page>; *see also* Figure 10,

available at: <https://www.ups.com/us/en/help-center/sri/qvm-com-pre.page>; see also Figures 11, 12, available at: https://www.ups.com/media/en/Quantum_View_User_Guide.pdf.



Quantum View's browser-based software empowers you to do much more than "see" your inbound and outbound UPS shipments. With the flexibility to customize the depth of detail, and even capture third party shipment views, you can anticipate and resolve issues before they become problems. Loop your customers and team members in with automated status updates. Configure and customize data to better fit your reporting formats. Tie into your existing data systems. Or even work with a UPS expert to fully customize your interface.

Figure 8. UPS' Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users.

How to Set Preferences in Quantum View Manage

By setting your Preferences, you can customize your display to your needs. For example, you can request a certain tab to open every time you access Quantum View® Manage. You can also set date ranges, default views for each tab, and time zone and weight information. Select the **Preferences** button to get started.

Figure 9. UPS' Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users.

Quantum View Manage® provides consolidated visibility into your package and freight shipments, so you can proactively manage your supply chain. With powerful and customizable monitoring, notification and reporting tools, you'll reduce costs while improving communication with customers, suppliers and team members.

Visibility, flexibility, accessibility, portability. With Quantum View Manage, you control when, where, how much, and even who receives information about shipments. Configure status notifications for you and your customers through email and SMS. Set triggers to automate processes such as invoicing. Combine different views and filters to provide exactly the type and amount of information you most need to view and report. All enabling you to anticipate and solve for delivery and downstream issues, improving customer service and satisfaction.

Figure 10. UPS' Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users.

How to Set Preferences in Quantum View Manage

By setting your Preferences, you can customize your display to your needs. For example, you can request a certain tab to open every time you access Quantum View® Manage. You can also set date ranges, default views for each tab, and time zone and weight information. Select the **Preferences** button to get started.

Preferences

Preferences save you time by enabling you to define how you generally want your shipment information to be displayed. Click the **Preferences** button to manage your settings.

Quantum View Manage Preferences ? x

Default Tab:
 Combined Outbound Inbound Third Party Imports

Default View for:
 If you would like Quantum View Manage to automatically remember any changes you have made to your display, choose "My View From Last Time" as the default view for a tab.

Combined:
 Default Combined View ▾

Outbound:
 Default Outbound View ▾

Inbound:
 Default Inbound View ▾

Third Party:
 Default Third Party View ▾

Imports:
 Default Imports View ▾

Number of Days Available for Display ⓘ

For Combined View:
 7 Days ▾

For Outbound, Inbound, and Third Party:
 15 Days ▾

For Imports:
 45 Days ▾

Default Time Zone:
 (GMT-05:00) Eastern Time (US and Canada) ▾
 (Only Applies to Delivery Alerts)

Display Weight As:
 Pounds (lbs) ▾
 (Only Applies to weight displayed in Inbound summary table)

Close Update

Figure 11. UPS' Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users.

The screenshot displays the UPS Quantum View Manage software interface. At the top, there are navigation tabs: Combined, Outbound, Inbound, Third Party, and Imports. The 'Imports' tab is selected. The interface includes a search bar with 'Enter search text' and a 'Search All Fields' button. A date range filter is set to '05/11/2013 to 06/25/2013'. Below this is a 'Summary of Import Shipments' table with columns for UPS Importer Account Number, Number of Shipments, Transportation Charges, Total Duties, Total Taxes, and Total Fees. The table shows data for two importers and a total row. Below the summary is a 'Shipment Details' section displaying 262 records. It includes an 'Add/Remove Fields' button and a table with columns for UPS Importer, Entry Filed Date, Lead Tracking Number, Entry Number, Images, Shipper Name, Transportation, Total Duties, and Total Fees. The table lists six customer records (A through F) with their respective shipping details.

UPS Importer Account Number	Number of Shipments	Transportation Charges	Total Duties	Total Taxes	Total Fees
11111111	253	76051.07 USD	1888.72 USD	0.00	7569.28 USD
22222222	9	4314.67 USD	0.00	0.00	706.80 USD
	262	80365.74 USD	1888.72 USD	0.00	8276.08 USD

UPS Importer	Entry Filed Date	Lead Tracking Number	Entry Number	Images	Shipper Name	Transportation	Total Duties	Total Fees
999999999	06/25/2013	1YE595999999999999	UPS12345678	View	CUSTOMER A ANYTOWN, MA, US	145.42 USD	0.00	0.00
999999999	06/25/2013	1YE595999999999999	UPS99999999	View	CUSTOMER B ANYTOWN, MA, US	145.42 USD	0.00	0.00
999999999	06/25/2013	1YE595999999999999	UPS12345678	View	CUSTOMER C ANYTOWN, MA, US	458.70 USD	0.00	0.00
999999999	06/25/2013	1YE595999999999999	UPS99999999	View	CUSTOMER D ANYTOWN, MA, US	572.66 USD	0.00	0.00
999999999	06/25/2013	1YE595999999999999	UPS12345678	View	CUSTOMER E	169.18 USD	103.50 USD	0.00
999999999	06/25/2013	1YE595999999999999	UPS99999999	View	CUSTOMER F	91.41 USD	0.00	0.00

Figure 12. UPS’ Quantum View Manage software provides a method for allowing a user to display shipment records according to preferences set by users.

29. UPS’ Quantum View Manage software performs the step of Claim 13(a): “storing the information.” For example, UPS’ Quantum View Manage software provides shipment records and tracking information that are stored on UPS’ secure database servers. See Figure 13, available at: https://www.ups.com/us/en/services/shipping/connectship-ishop/off-premise.page?loc=en_CL; see also Figure 14, available at: <https://www.ups.com/us/en/services/tracking/quantum-view/data.page>.

Off-Premise Solutions

business needs. With ConnectShip | iShip off-premise solutions, you'll increase flexibility and visibility, and streamline tasks from ordering, tracking, and accounting, straight through returns processes and billing with integrated and automated shipping processes. Plus, your data is hosted on UPS's ultra-stable and secure servers, so your data is assured privacy and maximum uptime, so it's always at your fingertips.

Figure 13. UPS' Quantum View Manage software provides shipment records and tracking information that are stored on UPS' secure database servers.

Integrate Shipment Status Data into Your Systems

You don't always have time to keep an eye on each and every shipment in the supply chain for your company, but UPS knows that you want that information to be available when you need it. Quantum View Data gives you comprehensive tracking information that can be seamlessly integrated into your company's in-house applications, from spreadsheets and simple databases to ERP systems.

Figure 14. UPS' Quantum View Manage software provides shipment records and tracking information that are stored on UPS' secure database servers.

30. UPS' Quantum View Manage software performs the step of Claim 13(b): “permitting the user to specify the preference through the workstation and receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation.” For example, UPS' Quantum View Manage software allows users to set preferences according to their needs to get a specific view every time they request for information such as by selecting the ‘imports tab’ to view specific shipment records, and preferences set by the user are saved each time a page containing shipment records is to be displayed on user's request. *See* Figures 15-18, available at:

https://www.ups.com/media/en/Quantum_View_User_Guide.pdf.

Preferences

Preferences save you time by enabling you to define how you generally want your shipment information to be displayed. Click the **Preferences** button to manage your settings.

- Default tab: You may be enrolled to use up to five tabs. You may select one as the tab you wish to be first displayed each time you log in.
- Default view: Within each tab you may have multiple views. You may select one as the view you wish to be displayed first each time you visit that tab. Or select **My View from Last Time** to display the view as it was the previous time you used Quantum View Manage.
- Number of days available for display: Choose the period of time to be used as the default date range for each tab.
- Default time zone: Select the time zone in which you generally use Quantum View Manage.
- Display weight as: Users enrolled for the **Inbound** tab may select whether their Summary of Inbound Shipments should display the weight of expected deliveries if pounds or kilograms.

Figure 15. UPS' Quantum View Manage software allows users to set preferences according to their needs to get a specific view every time they request for information.

Quantum View Manage Preferences ? x

Default Tab:
 Combined Outbound Inbound Third Party Imports

Default View for:
If you would like Quantum View Manage to automatically remember any changes you have made to your display, choose "My View From Last Time" as the default view for a tab.

Combined:
Default Combined View ▾

Outbound:
Default Outbound View ▾

Inbound:
Default Inbound View ▾

Third Party:
Default Third Party View ▾

Imports:
Default Imports View ▾

Number of Days Available for Display ⓘ

For Combined View:
7 Days ▾

For Outbound, Inbound, and Third Party:
15 Days ▾

For Imports:
45 Days ▾

Default Time Zone:
(GMT-05:00) Eastern Time (US and Canada) ▾
(Only Applies to Delivery Alerts)

Display Weight As:
Pounds (lbs) ▾
(Only Applies to weight displayed in Inbound summary table)

Close Update

Figure 16. UPS' Quantum View Manage software allows users to set preferences according to their needs to get a specific view every time they request for information.

Save and schedule custom views

The **Date Range, Filters, Add/Remove Fields** and **Search** features provide you with tools to customize your summary view to focus on specific shipments of interest. Saving a custom view allows you to retrieve those same settings instantly at any time you need. You can even create and save multiple custom views, each focused on a particular subset of your total shipments.

Figure 17. Preferences set by the user are saved each time a page containing shipment records is to be displayed on user's request.

The screenshot shows the 'Imports' tab selected in the software interface. The 'Summary of Import Shipments' table is as follows:

UPS Importer Account Number	Number of Shipments	Transportation Charges	Total Duties	Total Taxes	Total Fees
11111111	253	76051.07 USD	1888.72 USD	0.00	7569.28 USD
22222222	9	4314.67 USD	0.00	0.00	706.80 USD
	262	80365.74 USD	1888.72 USD	0.00	8276.08 USD

A callout box labeled "Receiving the request for information" points to the "Imports" tab in the navigation bar.

Imports

The **Imports** tab displays a summary of customs entries filed by UPS Brokerage for package shipments imported by your company. Your summary includes information for any of

Figure 18. UPS' Quantum View Manage software allows users to set preferences according to their needs to get a specific view every time they request for information.

31. UPS' Quantum View Manage software performs the step of Claim 13(c): "retrieving the information from a database server." For example, UPS' Quantum View Manage software provides import shipment information by retrieving it from UPS' database servers when

a user requests for import shipment details by clicking on the ‘imports tab.’ See Figure 19, available at: <https://www.ups.com/us/en/services/tracking/quantum-view/manage.page>; see also Figure 20, available at: https://www.ups.com/us/en/services/shipping/connectship-iship/off-premise.page?loc=en_CL.

Import View

Instantly view your inbound international shipments to more effectively manage all your package brokerage and customs information. With online access to documents and brokerage partner channels, you'll remain ahead of in-transit customs issues. All customs docs are imaged, downloadable, and even available on CD, saving time and securing essential regulatory records.

Figure 19. UPS' Quantum View Manage software provides import shipment information by retrieving it from UPS' database servers when a user requests for import shipment details.

Off-Premise Solutions

business needs. With ConnectShip | iShip off-premise solutions, you'll increase flexibility and visibility, and streamline tasks from ordering, tracking, and accounting, straight through returns processes and billing with integrated and automated shipping processes. Plus, your data is hosted on UPS's ultra-stable and secure servers, so your data is assured privacy and maximum uptime, so it's always at your fingertips.

Figure 20. UPS' Quantum View Manage software provides import shipment information by retrieving it from UPS' database servers when a user requests for import shipment details.

32. UPS' Quantum View Manage software performs the step of Claim 13(d):

“dynamically formatting the information in accordance with the preference to form custom-formatted information.” For example, UPS' Quantum View Manage software allows users to dynamically format how the information is presented such as by saving user preferences on how the information is to be displayed. See Figure 21, available at:

https://www.ups.com/media/en/QVM_User_Guide_Enhanced.pdf.

Setting Preferences

Setting Preferences allows you to view your information in a specific format each time you log on. For

To set your preferences, follow these steps. Note: All preference settings are optional. You can select as few or as many options as you like to customize your settings.

1. Select a Default Tab to define which tab to open by default.
2. Choose a Default View for each tab from the drop-down menus. This setting allows you to define which view you want to automatically display per tab. If you would like Quantum View Manage to automatically remember changes that you have made to your display, select My View From Last Time as your default view.

Figure 21. UPS' Quantum View Manage software allows users to dynamically format how the information is presented such as by saving user preferences on how the information is to be displayed.

33. UPS' Quantum View Manage software performs the step of Claim 13(e): “sending the custom-formatted information to the workstation.” For example, UPS' Quantum View Manage software displays the saved format of the shipping information based on the user's saved preference settings. *See* Figures 12, 18.

34. **Induced Infringement.** UPS has also actively induced, and continues to induce, the infringement of at least Claim 13 of the '094 Patent by actively inducing its customers, including merchants and end-users to use UPS' website in an infringing manner as described above. Upon information and belief, UPS has specifically intended that its customers use its website that infringe at least Claim 13 of the '094 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least Claim 13 of the '094 Patent, as described above. Even where performance of the steps required to infringe at least Claim 13 of the '094 Patent is accomplished by UPS and UPS' customer jointly, UPS' actions have solely caused all of the steps to be performed.

35. Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

36. Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

37. Under Rule 38(b) of the Federal Rules of Civil Procedure, Flectere respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Flectere asks this Court to enter judgment against UPS, granting the following relief:

- A. A declaration that UPS has infringed the Patents-in-Suit;
- B. An award of damages to compensate Flectere for UPS' direct infringement of the Patents-in-Suit;
- C. An order that UPS and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy UPS's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Flectere of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Dated: January 18, 2019

Respectfully submitted,

/s/ Kenneth Matuszewski
Kenneth Matuszewski
(708) 870-5803

kenneth@rabilaw.com

Isaac P. Rabicoff
Rabicoff Law LLC
73 West Monroe Street
Chicago, IL 60603
(773) 669-4590
isaac@rabilaw.com

Counsel for Plaintiff