

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

JUN 03 2019

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY cad DEPUTY

DR. LAKSHMI ARUNACHALAM §
Plaintiff, §
v. §
BNSF RAILWAY COMPANY, §
Defendant. §

CV No. **19CA349**
JURY DEMAND

COMPLAINT FOR PATENT INFRINGEMENT

I. THE PARTIES

1. Plaintiff, Dr. Lakshmi Arunachalam, ("Dr. Arunachalam"), is an individual that maintains her principal place of business at 222 Stanford Avenue, Menlo Park, CA 94025.
2. Defendant BNSF Railway Company ("BNSF"), BNSF is a Delaware corporation organized and existing as a railroad carrier engaged in interstate commerce. BNSF is the largest freight railroad network in North America. The BNSF Railway Company is the principal operating subsidiary of parent company Burlington Northern Santa Fe, LLC. Headquartered in Fort Worth, Texas, the railroad's parent company is a wholly owned subsidiary of Berkshire Hathaway, Inc. According to corporate press releases, the BNSF Railway is among the top transporters of intermodal freight in North America. It also hauls bulk cargo, including enough coal to generate around ten per cent of the electricity produced in the United States. With BNSF's large system, it hauls many different commodities, most notably coal and grain, as well as intermodal freight. BNSF is headquartered at 2650 Lou Menk Dr, Fort Worth, TX 76131-2830. Its registered office in

the State of Delaware is Corporation Trust Center, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801. The name of its registered agent for service at such address is The Corporation Trust Company. Defendant BNSF does business in Texas and in this District and can be served with process through its Registered Agent for Service, listed *supra*.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 et seq. and 28 U.S.C. § 1338.
4. Personal jurisdiction exists over the Defendant because there exists sufficient contact with the forum as a result of business conducted within the State of Texas and within this district. Personal jurisdiction also exists specifically over the Defendant because of Defendant's conduct in making and using infringing products and practices within the State of Texas and this district, wherein it has a regular, established place of business.
5. Venue is proper in this Court under 28 U.S.C. §§1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

6. Plaintiff, Dr. Arunachalam, is the inventor and assignee of all rights, title and interest in and under United States Patent No. 7,930,340 ("the '340 patent"), which duly and legally issued on April 19, 2011, with Plaintiff Dr. Arunachalam, as the named inventor for a Network Transaction Portal.
7. Defendant has been and continues to infringe the '340 patent by at least making and using, without authority, products and practices regarding at least its Web Applications:

Carload Shipping Advisor; Intermodal Advisor, Carbon Estimator, Published Rates, Display lot location, billing, customer tools Web Apps to access BNSF's Carload Shipping Advisor; Intermodal Advisor, Carbon Estimator, Shipping Instructions Checklist Web apps, service updates and notifications Web apps to view updates that inform customers of new developments. BNSF's Web apps allow users to execute various transactions as detailed *supra*, and systems and methods that fall within the scope of the claims of the '340 patent. Its website is www.bnsf.com. Defendant will continue to infringe the '340 patent unless enjoined by this Court. Plaintiff is without an adequate remedy at law.

8. Defendant's infringement of the '340 patent has been and continues to be willful. Its Senior General Attorney, *LaRhonda Brown-Barrett* was put on notice early in 2019.
9. Defendant has and is actively inducing and/or contributing to the infringement of the '340 patent among itself and by others.
10. This is an exceptional case within the meaning of 35 U.S.C. § 285.

IV. PRAYER FOR RELIEF

11. Plaintiff respectfully requests this Court to enter judgment against Defendant and against Defendant's subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendant, granting the following relief:
 - A. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, based on per Web transaction per Web application together with prejudgment interest from the date infringement of the '340 Patent began;
 - B. An award to Plaintiff of all remedies available under 35 U.S.C. § 284;
 - C. An award to Plaintiff of all remedies available under 35 U.S.C. § 285;

D. A preliminary and thereafter a permanent injunction under 35 U.S.C. § 283 against Defendant's infringement of the '340 Patent, and, in the alternative, in the event injunctive relief is not granted as requested by Plaintiff, an award of a compulsory future royalty;

E. That the Court award to Plaintiff her costs and attorneys' fees incurred in this action; and

F. Such other and further relief as the Court or a jury deems just and proper.

V. DEMAND FOR JURY TRIAL

12. Plaintiff demands a jury trial on all issues.

13. Exhibit I: U.S. Patent No. 7,930,340 is incorporated by reference herein, as if fully incorporated herein, and is attached herewith.

Respectfully submitted,

Lakshmi Arunachalam

DATED: May 23, 2019

Dr. Lakshmi Arunachalam
222 Stanford Avenue, Menlo Park, CA 94025
Tel: 650 690 0995; Fax: 650 854 3393
Laks22002@yahoo.com
Pro Se Plaintiff Patent Owner

VERIFICATION

I, Dr. Lakshmi Arunachalam, Plaintiff in the above entitled action, hereby verify under penalty of perjury, under the laws of the United States of America, that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause in the Constitution for the United States of America, as lawfully amended (hereinafter "U. S. Constitution").

Dated: May 23, 2019

Signed: *Lakshmi Arunachalam*

Printed: Dr. Lakshmi Arunachalam

**DECLARATION OF DR. LAKSHMI ARUNACHALAM IN SUPPORT OF
PLAINTIFF'S PATENT INFRINGEMENT COMPLAINT**

I, Dr. LAKSHMI ARUNACHALAM, declare:

I am the inventor and assignee of the patent-in-suit, U.S. Patent No. 7,930,340 ('340). I reside at 222 Stanford Avenue, Menlo Park, CA 94025. I am *pro se* Plaintiff in the above-captioned action. I make this declaration based on personal knowledge and, if called upon to do so, could testify competently thereto.

1. Attached as **Exhibit 1** is a true and correct copy of Plaintiff's U.S. Patent No. 7,930,340.

I declare under the penalty of perjury under the laws of the United States and the State of California and Texas that the foregoing is true and correct. Executed this 23rd day of May, 2019 in Menlo Park, California.



Dr. Lakshmi Arunachalam
222 Stanford Avenue, Menlo Park, CA 94025
Tel: 650 690 0995; Fax: 650 854 3393
Laks22002@yahoo.com

CERTIFICATE OF MAILING

I, Dr. Lakshmi Arunachalam, hereby certify that on May 23, 2019, I sent via Express Mail via the U.S. Post Office an original and 2 copies of the attached Complaint, Dr. Arunachalam's Declaration and Verification in support thereof, Exhibit 1, Civil Cover Sheet and 1 copy of Form A0-440, Summons in a Civil Action, to the Clerk of the Court, United States District Court for the Western District of Texas, Waco Division at 800 Franklin Avenue, Room 380, Waco, Texas 76701 for filing and docketing in this case.

May 23, 2019




/s/Lakshmi Arunachalam/

Signature of Plaintiff

Dr. Lakshmi Arunachalam
222 Stanford Ave, Menlo Park, CA 94025
650 690 0995; Laks22002@yahoo.com

Dr. Lakshmi Arunachalam
222 Stanford Avenue
Menlo Park, CA 94025

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To
Clerk of the Court,
U.S. District Court for Western District of TX
800 Franklin Avenue, Room 380,
Waco, TX 76701