

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

**RFC LENDERS OF TEXAS, LLC,**

**Plaintiff,**

**v.**

**KeHE DISTRIBUTORS LLC (d.b.a. KeHE  
DISTRIBUTORS OF TEXAS LLC),**

**Defendant.**

**CIVIL ACTION NO.: 4:21-cv-686**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement in which RFC Lenders of Texas, LLC (“RFC” or “Plaintiff”), makes the following allegations against KeHE Distributors LLC (d.b.a. KeHE Distributors Of Texas LLC) (“KeHE” or “Defendant”).

**PARTIES**

2. Plaintiff is a Texas limited liability company, having its primary office at 405 State Highway 121, Suite A250, Lewisville, TX 75067 – located in Denton County, Texas.

3. Defendant KeHE is a Delaware company, with a principal place of business at 1245 E. Diehl Rd., Suite 200, Naperville, IL 60563. Defendant has a regular and established place of business within the Eastern District of Texas – at 101 Enterprise Dr., Flower Mound, TX 75028 – as detailed below. Defendant’s Registered Agent for service of process in Texas appears to be CT Corporation System, 1999 Bryan St., Suite 900, Dallas TX 78201.

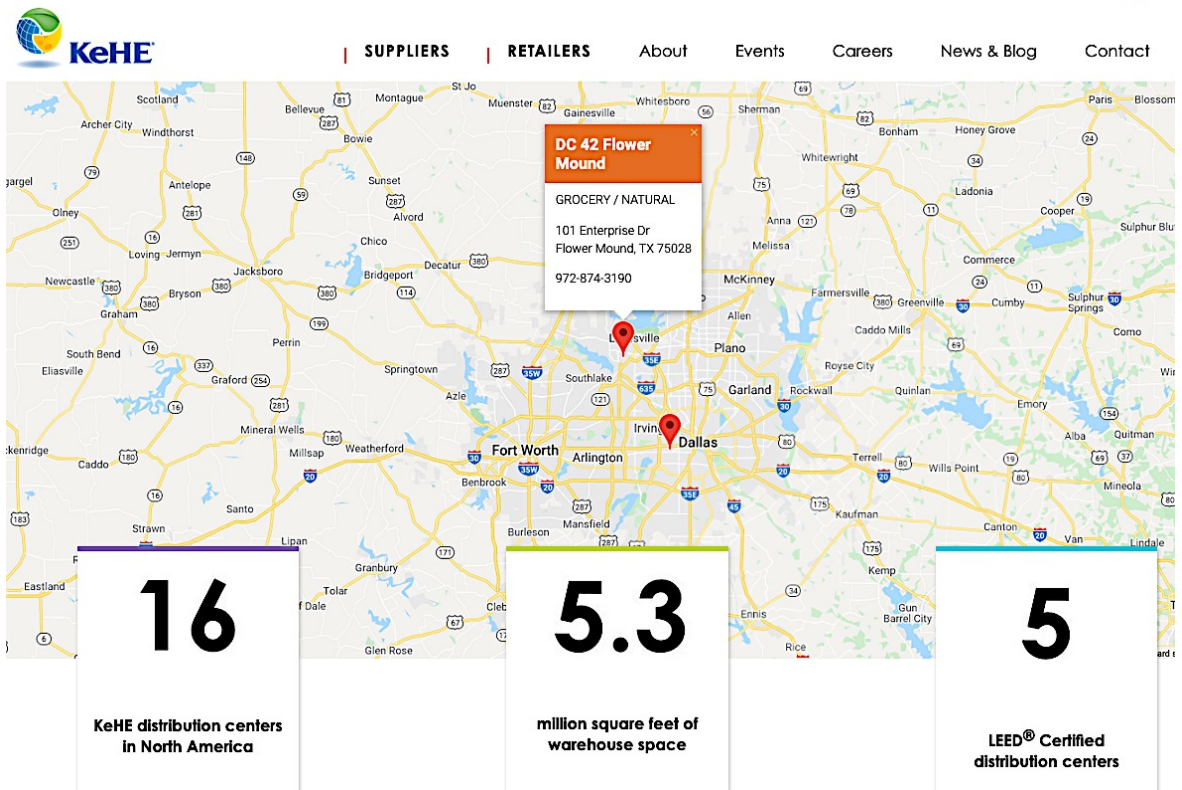
**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c), generally, and under 1400(b), specifically. Defendant has a regular and established place of business in this Judicial District, and Defendant has also committed acts of patent infringement in this Judicial District.

6. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this Judicial District.

7. KeHE has a regular and established place of business within Denton County, Texas. KeHE has a regional operations location at 101 Enterprise Dr., Flower Mound, TX 75028:



8. Defendant has infringed, and does infringe, by operating, transacting, and conducting KeHE's business within the Eastern District of Texas.

9. Defendant's location in Denton County, Texas is a regular and established place of business in this Judicial District, and Defendant has committed acts of infringement within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,430,471**

10. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 7,430,471 ("the '471 Patent") entitled "Method and System for Monitoring a Vehicle" – including all rights to recover for past, present and future acts of infringement. The '471 Patent issued on September 30, 2008, and has a priority date of October 25, 2004. A true and correct copy of the '471 Patent is attached as Exhibit A.

11. Defendant directly uses and operates real-time GPS tracking and electronic logging device (ELD) systems produced and sold by Samsara Inc. ("Samsara System(s)"). The Defendant's infringing instrumentalities are the Samsara Systems installed and deployed throughout Defendant's trucking fleet:

On Headquartered in Naperville, Illinois, KeHE Distributors, LLC distributes specialty organic foods to grocery stores in all 50 U.S. states., including Alaska and Hawaii. With a fleet of more than 550 trucks and 700 drivers, KeHE is first and foremost concerned with efficiency, safety, and customer service.

KeHE originally approached Samsara because they were looking for a more robust, portable ELD solution to replace their AOB RD platform. "The main goal with Samsara was just getting better hardware," said Rodney Gamble, Executive Director of Transportation. "But there were so many side benefits, from getting a consolidated platform to increased visibility into our routing."

KeHE's drivers average about six to eight deliveries a day and about 13,000 deliveries every week. With so many stops, real-time visibility is extremely important to ensure drivers are completing each delivery on time.

Before Samsara, KeHE only had a snapshot view of where their drivers were, but now they have real-time GPS tracking for their entire fleet. "I still remember the first time we saw the live helicopter view," said Gamble. "The driver came to a stop, but I didn't have to call him up and ask why he's running late. I could see he was stuck in traffic—that was huge."

Now, KeHE leverages Samsara's real-time GPS tracking to increase on-time deliveries and customer satisfaction. For instance, they geofenced all their delivery locations to automate recording of completed orders. When a driver arrives at a grocery store their GPS location is automatically pushed from Samsara into their TMS and updates the order as "delivered."

12. The Defendant’s infringing instrumentalities track and monitor the vehicles in KeHE’s fleet:

Leveraging Samsara’s AI and real-time tracking, KeHE gained insights on obstacles that previously impacted a driver’s on-time delivery, such as unexpected traffic. The intuitive tools enabled KeHE to serve its customers with delivery notifications and increased efficiency: saving hundreds of hours annually. Through KeHE’s partnership with Samsara, the distributor implemented live sharing links, GPS tracking, and high-quality on-demand cam footage.

13. The Defendant’s infringing instrumentalities detect and log data related to activation and movement of the vehicles in track and monitor the vehicles in KeHE’s fleet, including activations not assigned to or associated with a particular operator:

The screenshot displays the Samsara Fleet Management System interface. The main content area is titled "Unassigned HOS Report for Vehicle - SF11". It shows a summary of unassigned HOS segments: "Unassigned (4)" and "Annotated (0)". The date range is "Oct 17, 12 AM - Oct 24, 11:59 PM".

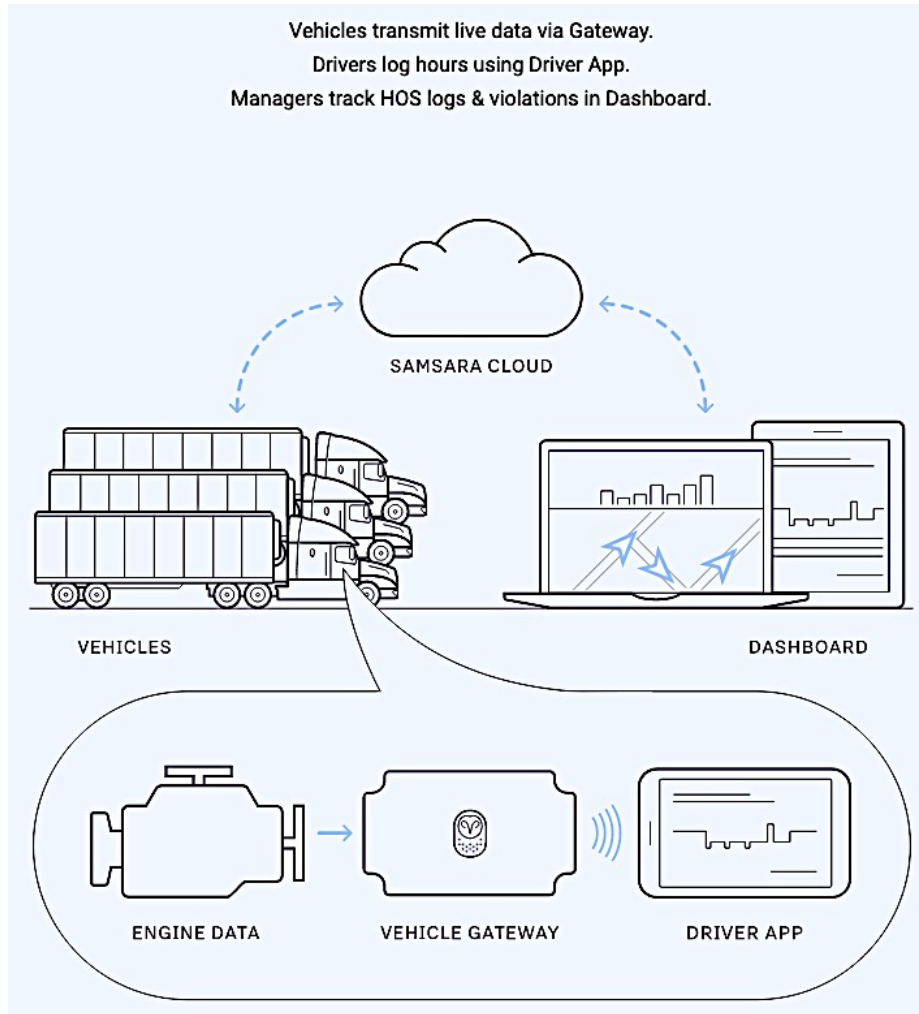
START TIME	DURATION	TRIP	Actions
Oct 24, 2018 7:31 PM	0:11	<ul style="list-style-type: none"> <li>Winston Drive, San Francisco, CA</li> <li>21st Avenue, San Francisco, CA</li> </ul>	Assign Annotate
Oct 24, 2018 7:02 PM	0:17	<ul style="list-style-type: none"> <li>21st Avenue, San Francisco, CA</li> <li>San Francisco, CA</li> </ul>	Assign Annotate
Oct 19, 2018 5:21 PM	1:51	<ul style="list-style-type: none"> <li>Irving Street, San Francisco, CA</li> <li>4.7 mi NNW Ben Lomond, CA</li> </ul>	Assign Annotate
Oct 19, 2018 5:09 PM	0:03	<ul style="list-style-type: none"> <li>21st Avenue, San Francisco, CA</li> <li>Irving Street, San Francisco, CA</li> </ul>	Assign Annotate

A notification at the bottom left of the interface reads: "HOS segments assigned".

Logs				
Start	Vehicle	Status	Duration	Location
12:00am	SF11	OFF DUTY	6:12:00	3.5 mi WSW San Francisco, CA
06:12am	SF11	ON DUTY	0:35:00	3.5 mi WSW San Francisco, CA
		Remark: Fuel		
06:47am	SF11	DRIVING	0:52:00	3.5 mi WSW San Francisco, CA
		Remark: Unloading		
07:39am	SF11	ON DUTY	0:52:00	3.5 mi WSW San Francisco, CA
		Remark: Fuel		
08:31am	SF11	DRIVING	1:57:00	3.5 mi WSW San Francisco, CA
		Remark: Unloading		
10:28am	SF11	ON DUTY	1:17:00	3.5 mi WSW San Francisco, CA
		Remark: Unloading		
11:45am	SF11	OFF DUTY	2:35:28	3.5 mi WSW San Francisco, CA
		Remark: Meal		
02:20pm	SF11	ON DUTY	1:41:34	3.5 mi WSW San Francisco, CA

14. The Defendant's infringing instrumentalities transmit live data detailing the operation and movement of vehicles in KeHE's fleet to a centralized system, where managers can examine and evaluate the data:

This visibility has improved the "Check Call" process—when members from the central office check in on arrivals and departures for their vehicles. In fact, KeHE was able to save approximately 19 hours per week, or 988 hours annualized, by eliminating the need for manual check calls. In turn, this better visibility allows



15. The Defendant's infringing instrumentalities determine and analyze driver activity time in relation to vehicle activity:

**Samsara lets you manage routes for trucks, buses, delivery vehicles, and more. Instead of manually calling drivers to see where they are, Samsara lets you instantly track vehicle location, route progress, and late or missed stops.**

16. The Defendant’s infringing instrumentalities determine and analyze vehicle location and routing, in relation to predetermined locations:

### Optimize Fleet Activity

Track fleet activity with custom **Geofence Alerts**, and get notified when vehicles arrive and leave a specific location, or when abnormal activity occurs. Zoom in on the time spent at each location, with **Time on Site Reports** to better optimize route time.

[Learn More →](#)

17. The Defendant’s infringing instrumentalities detect and transmit vehicle diagnostic information from the vehicle to the centralized system:

### Real-Time Vehicle Diagnostics

Proactively spot issues such as failing batteries and engine fault codes through over-the-air vehicle diagnostics. Avoid road breakdowns and quickly identify vehicles in need of service to protect vehicle health and extend vehicle lifetime.

[Learn More →](#)

VEHICLE	CURRENT DRIVER	BATTERY VOLTAGE	ENGINE HOURS	ODOMETER (MI)	FAULTS
29583	Peter Carr	12.9	15,550	284,411	<b>P0301 - Cylinder 1 Misfire Detected</b>
25730	Hector Garcia	14.3	2,041	34,000	
24957	Sara Cunningham	13.2	7,688	162,794	P0301 - Cylinder 1 Misfire Detected
20584	Daniel Smith	1.2	4,070	60,520	P0871 - Cylinder 1 Glow Plug Circuit/Open
20450	Patrick Chu	14.8	6,383	126,300	P1102
28148	Roberto Lopez	13.4	6,599	183,149	P0172 - System Too Rich Bank 1

18. Plaintiff herein restates and incorporates by reference paragraphs 11 – 17, above.

19. All recited elements of – at least – claims 1, 12, 15, and 26 of the ‘471 Patent are present within KeHE’s infringing instrumentalities.

20. KeHE’s infringing instrumentalities monitor a vehicle.

21. KeHE's infringing instrumentalities detect movement or activation of a vehicle, and transmit signals indicating movement or activation of a vehicle to a control center.

22. KeHE's infringing instrumentalities transmit received operator identification information to a control center.

23. KeHE's infringing instrumentalities detect a vehicle's proximity to a landmark.

24. KeHE's infringing instrumentalities utilize GPS transceivers co-located with the vehicle to transmit location coordinates of the vehicle.

25. KeHE's infringing instrumentalities infringe – at least – claims 1, 12, 15, and 26 of the '471 Patent.

26. KeHE's infringing instrumentalities literally and directly infringe – at least – claims 1, 12, 15, and 26 of the '471 Patent.

27. KeHE's infringing instrumentalities perform or comprise all required elements of – at least – claims 1, 12, 15, and 26 of the '471 Patent.

28. In the alternative, KeHE's infringing instrumentalities infringe – at least – claims 1, 12, 15, and 26 of the '471 Patent under the doctrine of equivalents. KeHE's infringing instrumentalities perform substantially the same functions in substantially the same manner with substantially the same structures, obtaining substantially the same results, as the required elements of – at least – claims 1, 12, 15, and 26 of the '471 Patent. Any differences between KeHE's infringing instrumentalities and the claims of the '471 Patent are insubstantial.

29. All recited elements of – at least – claims 1, 12, 15, and 26 of the '471 Patent are present within, or performed by, KeHE's infringing instrumentalities.

30. KeHE's infringing instrumentalities, when used and/or operated in their intended manner or as designed, infringe – at least – claims 1, 12, 15, and 26 of the '471 Patent, and Defendant is therefore liable for infringement of the '471 Patent.

#### **DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has infringed the '471 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the '471 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '471 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant's prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

August 31, 2021

Respectfully Submitted,

By: /s/ Ronald W. Burns

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