

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PJC LOGISTICS, LLC,

Plaintiff

V.

Civil Case No. _____

A. DUIE PYLE, INC.; AMERIQUEST
TRANSPORTATION SERVICES, INC. ;
AUSCOR TRANSPORTATION SERVICES;
CARRIER INDUSTRIES INC.; EASTERN
FREIGHT WAYS, INC.; FEDEX GROUND
PACKAGE SYSTEM, INC.; USA TRUCK, LLC;
GE ENERGY, LLC; GLEN MOORE; GNC
CORPORATION; GREAT AMERICAN LINES,
INC.; HERMANN SERVICES, INC.; J.A.
TRUCKING, INC.; LOGISTICS ONE, INC.; NEW
CENTURY TRANSPORTATION, LLC; NEW
ENGLAND MOTOR FREIGHT, INC.; NEW
PENN MOTOR EXPRESS, INC.; NFI
INDUSTRIES, INC.; PRAXAIR, INC.; SHEVELL
GROUP; U.S. EXPRESS, INC.; and WARD
TRUCKING, LLC,

Defendants.

COMPLAINT

Plaintiff PJC Logistics, LLC (“PJC Logistics” or “Plaintiff”), by way of Complaint against defendants A. Duie Pyle, Inc.; AmeriQuest Transportation Services, Inc.; Auscor Transportation Services; Carrier Industries, Inc.; Eastern Freight Ways, Inc.; FedEx Ground Package System, Inc.; USA Truck, LLC; GE Energy, LLC; Glen Moore; GNC Corporation; Great American Lines, Inc.; Hermann Services, Inc.; J.A. Trucking, Inc.; Logistics One, Inc.; New Century Transportation, LLC; New England Motor Freight, Inc.; New Penn Motor Express,

Inc.; NFI Industries, Inc.; Praxair, Inc.; Shevell Group; U.S. Express, Inc.; and Ward Trucking, LLC, hereby alleges 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. § 101 *et seq.*

THE PARTIES

2. Plaintiff PJC Logistics is a limited liability corporation organized under the laws of Texas with its principal place of business at 777 Enterprise Drive, Hewitt, Texas 76643.

3. Defendant A. Duie Pyle, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business at 650 Westtown Road, P.O. Box 564, West Chester, Pennsylvania 19381, and a registered agent for service of process at Roger A. Werth, 4 Higgins Road, Newark, Delaware 19711-4361.

4. Defendant AmeriQuest Transportation Services, Inc. is a corporation organized under the laws of New Jersey with its principal place of business at 457 Haddonfield Road, Suite 220, Cherry Hill, New Jersey 08002, and a registered agent for service of process at National Corporate Research, Ltd., 615 South DuPont Highway, Dover, Delaware 19901.

5. Defendant Auscor Transportation Services is a corporation organized under the laws of New Jersey with its principal place of business at 50 Emerald Lane, Old Bridge, New Jersey 08857; and 333 Cedar Avenue, Middlesex, New Jersey 08846; and, on information and belief, it regularly conducts business in the state of Delaware; and it may be served with process through the Secretary of State for the State of Delaware.

6. Defendant Carrier Industries Inc. is a corporation organized under the laws of Delaware with its principal place of business at 1-71 North Avenue E, Elizabeth, New Jersey 07201, and a registered agent for service of process at The Prentice-Hall Corporation System, Inc., Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

7. Defendant Eastern Freight Ways, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 212 Black Horse Lane, North Brunswick, New Jersey 08902, and a registered agent for service of process at The Prentice-Hall Corporation System, Inc., Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

8. Defendant FedEx Ground Package System, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 1000 FedEx Drive, Coraopolis, Pennsylvania 15018, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

9. Defendant USA Truck, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 3200 Industrial Park Road, Van Buren, Arkansas 72956, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

10. Defendant GE Energy LLC is a limited liability corporation organized under the laws of Delaware with its principal place of business at 231 Lake Drive, Newark, Delaware 19702, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

11. Defendant Glen Moore is a corporation organized under the laws of Delaware with its principal place of business at 1711 Shearer Drive, Carlisle, Pennsylvania 17013, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

12. Defendant GNC Corporation is a corporation organized under the laws of Delaware with its principal place of business at 300 Sixth Avenue, Pittsburgh, Pennsylvania, and a registered agent for service of process at National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

13. Defendant Great American Lines, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 3074 Trafford Rd., Murrysville, Pennsylvania 15668, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

14. Defendant Hermann Services, Inc. is a corporation organized under the laws of Delaware with its principal place of business at North Brunswick, New Jersey 08902, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

15. Defendant J.A. Trucking, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business at 212 Country Lane, West Newton, Pennsylvania 15089, and a registered agent for service of process at Donald W. Booker, Esq., 118-A Senatorial Drive, P.O. Box 3587, Wilmington, Delaware 19807.

16. Defendant Logistics One, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 33 Cady Hill Boulevard, Saratoga Springs, New

York 12866, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

17. Defendant New Century Transportation, LLC is a corporation organized under the laws of Delaware with its principal place of business at 45 East Park Drive, Westampton, New Jersey 08060, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

18. Defendant New England Motor Freight, Inc. is a corporation organized under the laws of New Jersey with its principal place of business at 1-71 North Avenue East, Elizabeth, New Jersey 07201, and a registered agent for service of process at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

19. Defendant New Penn Motor Express, Inc. is a corporation organized under the laws of Pennsylvania with its principal place of business at 625 South Fifth Avenue, Lebanon, Pennsylvania 17042, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

20. Defendant NFI Industries, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 71 West Park Avenue, Vineland, New Jersey 08360 and 1515 Burnt Mill Road, Cherry Hill, New Jersey 08003, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

21. Defendant Praxair, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 39 Old Ridgebury Road, Danbury, Connecticut 06810, and

a registered agent for service of process at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

22. Defendant Shevell Group is a corporation organized under the laws of New Jersey with its principal place of business at 1-71 North Avenue East, Elizabeth, New Jersey 07201, and, on information and belief, it regularly conducts business in the state of Delaware.

23. Defendant U.S. Express, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 3240 Hubbard Rd., Landover, Maryland 20785, and it may be served with process at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

24. Defendant Ward Trucking, LLC is a corporation organized under the laws of Pennsylvania with its principal place of business at 2nd Avenue & 7th Street, Greenwood Road, Altoona, Pennsylvania 16602, and, on information and belief, it regularly conducts business in the state of Delaware.

JURISDICTION AND VENUE

25. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

26. Defendant A. Duie Pyle, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in A. Duie Pyle, Inc.'s fleet of trucks, vans or

other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

27. Defendant AmeriQuest Transportation Services, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in AmeriQuest Transportation Services, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

28. Defendant Auscor Transportation Services uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Auscor Transportation Services's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

29. Defendant Carrier Industries Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Carrier Industries Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

30. Defendant Eastern Freight Ways, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and

tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Eastern Freight Ways, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

31. Defendant FedEx Ground Package System, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in FedEx Ground Package System, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

32. Defendant USA Truck, LLC, uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Galasso Trucking, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

33. Defendant GE Energy, LLC uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in GE Energy, LLC's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

34. Defendant Glen Moore uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Glen Moore's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

35. Defendant GNC Corporation uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in GNC Corporation's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

36. Defendant Great American Lines, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Great American Lines, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

37. Defendant Hermann Services, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Hermann Services, Inc.'s fleet of trucks, vans or

other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

38. Defendant J.A. Trucking, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in J.A. Trucking, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

39. Defendant Logistics One, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Logistic One's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

40. Defendant New Century Transportation, LLC uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in New Century Transportation, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

41. Defendant New England Motor Freight, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management

and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in New England Motor Freight, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

42. Defendant New Penn Motor Express, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in New Penn Motor Express, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

43. Defendant NFI Industries, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in NFI Industries, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

44. Defendant Praxair, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Praxair, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

45. Defendant Shevell Group uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Shevell Group's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

46. Defendant U.S. Express, Inc. uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in U.S. Express, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

47. Defendant Ward Trucking, LLC uses, and/or directs its agents, employees, customers, or contracting entities to use, electronic position-based fleet management and tracking systems in its fleet of trucks, vans or other vehicles that infringe the patent in suit, as is alleged below. Trucks, vans or other vehicles in Ward Trucking, LLC's fleet of trucks, vans or other vehicles operate in the State of Delaware, including in this judicial district, while using the infringing electronic fleet management systems.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,223,844

48. PJC Logistics repeats and realleges the allegations of paragraphs 1 through 47 as if fully set forth herein.

49. On June 29, 1993, United States Patent No. 5,223,844 (hereinafter referred to as the “844 Patent”), entitled VEHICLE TRACKING AND SECURITY SYSTEM, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘844 Patent is attached as Exhibit A to this Complaint.

50. PJC Logistics is the assignee and owner of the right, title, and interest in and to the ‘844 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

51. Without license or authorization, each of the Defendants has been infringing the ‘844 Patent by using in the United States, including within this judicial district, certain electronic fleet management systems that embody the inventions claimed in the ‘844 Patent. Such acts constitute infringement under at least 35 U.S.C. § 271(a).

52. PJC Logistics has been damaged by Defendants’ infringing activities.

JURY DEMAND

53. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PJC Logistics demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, PJC Logistics respectfully demands judgment for itself and against Defendants as follows:

- a. That this Court adjudge that Defendants have infringed the ‘844 Patent;
- b. That this Court ascertain and award PJC Logistics damages sufficient to compensate it for the above infringement and that the damages so ascertained be awarded to PJC Logistics with interest;

- c. That this Court find this case to be exceptional and award PJC Logistics its attorneys fees, costs and expenses in this action;
- d. An accounting of all infringing sales including, but not limited to, those sales not presented at trial and an award by the Court for any such sales; and
- e. That this Court award PJC Logistics such other relief as the Court may deem just and proper.

Respectfully submitted,

Dated: March 17, 2011

STAMOULIS & WEINBLATT LLC

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