

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

SPEDIRE TECHNOLOGY LLC,

Plaintiff,

v.

FEDEX CORPORATION, FEDEX GROUND  
PACKAGE SYSTEM, INC., FEDEX  
CORPORATE SERVICES, INC. and FEDEX  
OFFICE AND PRINT SERVICES, INC.,

Defendant(s).

Case No.

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Spedire Technology LLC ("Spedire"), complains of defendants, FedEx Corporation, FedEx Ground Package System, Inc., FedEx Corporate Services, Inc., and FedEx Office and Print Services, Inc. (collectively, "the FedEx defendants" or "FedEx"), as follows:

**NATURE OF ACTION**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, including 35 U.S.C. §§ 271 and 281.

**SPEDIRE TECHNOLOGY LLC AND THE PATENT-IN-SUIT**

2. The patent-in-suit is United States Patent No. 6,929,181 B1 ("the '181 patent"), entitled "Date Specific Package Delivery System" (Exhibit A). The United States Patent & Trademark Office issued the '181 patent on August 16, 2005.

3. Spedire Technology LLC is a Wisconsin limited liability company with an office in Chicago, Illinois. Spedire owns all right, title and interest in and has standing to sue for infringement of the '181 patent.

**FEDEX DEFENDANTS**

4. FedEx Corporation (“FedEx Corporation”) is a Delaware corporation with its principal place of business located at 942 South Shady Grove Road, Memphis, Tennessee 38120. FedEx Corporation’s subsidiaries include FedEx Ground Package System, Inc., FedEx Corporate Services, Inc., and FedEx Office and Print Services, Inc., among others companies. FedEx provides transportation, e-commerce and business services through these subsidiaries within this judicial district and throughout the State of Illinois.

5. FedEx Ground Package System, Inc. (“FedEx Ground”) is a Delaware corporation with its principal place of business located at 1000 FedEx Drive, Moon Township, Pennsylvania 15108. FedEx Ground transacts business within this judicial district and throughout the State of Illinois. FedEx Ground maintains a registered agent at 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604, which is designated to accept service of process on behalf of FedEx Ground.

6. FedEx Corporate Services, Inc. (“FedEx Services”) is a Delaware corporation with its principal place of business located at 3610 Hacks Cross Road, Memphis, Tennessee 38120. FedEx Services transacts business within this judicial district and throughout the State of Illinois. FedEx Services maintains a registered agent at 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604, which is designated to accept service of process on behalf of FedEx Services.

7. FedEx Office and Print Services, Inc. (“FedEx Office”) is a Texas corporation with its principal place of business located at 3 Galleria Tower, 13155 Noel Road, Suite 1600, Dallas, Texas 75240. FedEx Office transacts business within this judicial district and throughout the State of Illinois. FedEx Office maintains a registered agent at 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604, which is designated to accept service of process on behalf of FedEx Office.

### **JURISDICTION AND VENUE**

8. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

9. This Court has personal jurisdiction over the FedEx defendants by virtue of their presence and business activities within this judicial district, including but not limited to the acts of infringement which they have committed within this judicial district. FedEx uses the FedEx Date Certain Home Delivery component of its FedEx Home Delivery package delivery process to service customers located within this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b) because the FedEx defendants are subject to personal jurisdiction in this judicial district, transact business in this judicial district, and have committed acts of infringement in this judicial district.

### **INFRINGEMENT**

11. The FedEx defendants have directly infringed and are now directly infringing at least claims 1, 3, 4, 5, 6, 7, 9, 10, 15, 19, 21, 22, 23 and 24 of the '181 patent in violation of 35 U.S.C. § 271(a). The infringing acts include FedEx's use of the FedEx Date Certain Home Delivery component of its FedEx Home Delivery package delivery process.

12. FedEx has been aware of the '181 patent since at least August 8, 2006 when inventor Richard E. Oswalt provided FedEx with formal written notice of the '181 patent. FedEx acknowledged Mr. Oswalt's letter in a FedEx response letter dated August 21, 2006. FedEx has provided the FedEx Date Certain Home Delivery component of its FedEx Home Delivery package delivery process despite an objectively high likelihood that these actions constituted infringement of the '181 patent. This likelihood was known or was so obvious that it should have been known by FedEx. Accordingly, FedEx's infringement has been willful, deliberate and objectively reckless.

13. FedEx's infringement of the '181 patent has caused and will continue to cause Spedire substantial and irreparable injury, for which Spedire is entitled to receive all relief provided for by 35 U.S.C. §§ 283, 284 and 285, including but not limited to an award of damages, enhanced damages, injunctive relief, costs, and fees.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff, Spedire Technology LLC, respectfully requests this Court enter judgment against FedEx Corporation, FedEx Ground Package System, Inc., FedEx Corporate Services, Inc., and FedEx Office and Print Services, Inc., and against their respective subsidiaries, parents, successors, affiliates, agents, officers, employees and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Spedire and against FedEx;
- B. An award of damages adequate to compensate Spedire for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as provided by 35 U.S.C. § 284;
- C. A finding that FedEx's infringement has been willful, and an award to Spedire of enhanced damages as provided by 35 U.S.C. § 284;
- D. A finding that this case is exceptional, and an award to Spedire of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- E. A permanent injunction prohibiting further infringement of the '181 patent; and,
- F. Such other relief that Spedire is entitled to under law and any other relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

Spedire demands a trial by jury on all issues presented in this complaint.

Respectfully submitted,

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