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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

CV 11 - 337 AC

PJC LOGISTICS, LLC,

Plaintiff

v.

DOUG ANDRUS DISTRIBUTING LLC;
GORDON TRUCKING, INC. (GTI); GULICK
TRUCKING, INC.; INTERSTATE CARRIER
EXPRESS; INTERSTATE DISTRIBUTOR CO.;
MARKET TRANSPORT, LTD.; MAY
TRUCKING COMPANY; MTS FREIGHT; OAK
HARBOR FREIGHT LINES, INC.; PENINSULA
TRUCK LINES, INC.; REDDAWAY; SAMMONS
TRUCKING; THE WAGGONERS TRUCKING;
and WATKINS & SHEPARD TRUCKING, INC.

Defendants.

Civil Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

394 (2)

Plaintiff PJC Logistics LLC (“PJC Logistics” or “Plaintiff), by way of Complaint against defendants Doug Andrus Distributing LLC; Gordon Trucking, Inc. (GTI); Gulick Trucking, Inc.; Interstate Carrier Express; Interstate Distributor Co.; Market Transport, Ltd.; May Trucking Company; MTS Freight; Oak Harbor Freight Lines, Inc.; Peninsula Truck Lines, Inc.; Reddaway; Sammons Trucking; The Waggoners Trucking; and Watkins & Shepard Trucking, Inc., 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 Doug Andrus Distributing LLC is a corporation organized under the laws of Idaho with its principal place of business at 6300 South 45th West, Idaho Falls, ID 83402, and it can be served with process at that address.

4. Defendant Gordon Trucking, Inc. (GTI) is a corporation organized under the laws of Washington with its principal place of business at 151 Stewart Road S.W., Pacific, WA 98047, and a registered agent for service of process at CT Corporation System, 388 State Street Suite 420, Salem, OR 97301.

5. Defendant Gulick Trucking, Inc., is a corporation organized under the laws of Washington with its principal place of business at 3000 SE Hidden Way, Bldg. 40, Suite E, Vancouver, Washington 98661, and a registered agent for service of process at Larry D. Moomaw, 12275 SW 2nd Street, Beaverton, OR 97005.

5. Defendant Interstate Carrier Express is a corporation organized under the laws of Wyoming with its principal place of business at 2006 Yellowstone Avenue, Worland, Wyoming 82401, and it can be served with process at the same address.

6. Defendant Interstate Distributor Co. is a corporation organized under the laws of Washington with its principal place of business at 11707 21st Avenue Ct. S, Tacoma, WA 98444, and a registered agent for service of process at Jeff Alexander, 2770 NW Rogers Circle, Troutdale, OR 97060.

7. Defendant Market Transport, Ltd. is a corporation organized under the laws of Oregon with its principal place of business at 110 N Marine Drive, Portland, OR 97217, and a registered agent for service of process at TT Administrative Services, LLC, 888 S.W. Fifth Ave., Suite 1600, Portland, OR 97204.

8. Defendant May Trucking Company is a corporation organized under the laws of Idaho with its principal place of business at 4185 Brooklake Rd. NE, Salem, OR 97303, and a registered agent for service of process at C.M. May, 4185 Brooklake Rd. NE, Salem, OR 97305.

9. Defendant MTS Freight is a corporation organized under the laws of Montana with its principal place of business at 1414 N. Montana, Helena, MT 59601, and a registered agent for service of process at Steve Mergenthaler, 1414 N. Montana, Helena, MT 59601.

10. Defendant Oak Harbor Freight Lines, Inc. is a corporation organized under the laws of Washington with its principal place of business at 1225 37th St. NW, P.O. Box 1469, Auburn, WA 98071, and a registered agent for service of process at Incorp Services, Inc., 820 N. River St., Loft #206, Portland, OR 97227.

11. Defendant Peninsula Truck Lines, Inc. is a corporation organized under the laws of Washington with its principal place of business at 1010 S. 336th St., Suite 202, Federal Way,

WA 98003, and a registered agent for service of process at CT Corporation System, 388 State St., Suite 420, Salem, OR 97301-3581.

12. Defendant Reddaway is a corporation organized under the laws of Delaware with its principal place of business at 16277 S.E. 130th Avenue, Clackamas, OR 97015, and a registered agent for service of process at USF Reddaway, Inc., 16277 S.E. 130th Avenue, Clackamas, OR 97015.

13. Defendant Sammons Trucking is a corporation organized under the laws of Montana with its principal place of business at 3665 West Broadway, Missoula, MT 59808, and a registered agent for service of process at Cynthia Miller, 110 N. Marine Dr., Portland, OR 97217.

14. Defendant The Waggoners Trucking is a corporation organized under the laws of Montana with its principal place of business at 5220 Midland Rd., Billings, MT 59101, and a registered agent for service of process at Gerry R. Curtis, 4800 Macadam St., Suite 260, Portland, OR 97201.

15. Defendant Watkins & Shepard Trucking, Inc. is a corporation organized under the laws of Montana with its principal place of business at N. 6400 Hwy. 10 W, Missoula, MT 59808, and a registered agent for service of process at John A. Anderson, 9755 S.W. Barnes St., Suite 675, Portland, OR 97225.

JURISDICTION AND VENUE

16. 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).

17. Defendant Doug Andrus Distributing LLC uses, and/or directs, induces, or instructs 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 Doug Andrus Distributing LLC's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

18. Defendant Gordon Trucking, Inc. (GTI) uses, and/or directs, induces, or instructs 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 Gordon Trucking, Inc.'s (GTI) fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

19. Defendant Gulick Trucking, Inc. uses, and/or directs, induces, or instructs 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 Gulick Trucking, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

20. Defendant Interstate Carrier Express uses, and/or directs, induces, or instructs 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 Interstate Carrier Express's

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

21. Defendant Interstate Distributor Co. uses, and/or directs, induces, or instructs 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 Interstate Distributor Co.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

22. Defendant Market Transport, Ltd. uses, and/or directs, induces, or instructs 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 Market Transport, Ltd.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

23. Defendant May Trucking Company uses, and/or directs, induces, or instructs 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 May Trucking Company's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

24. Defendant MTS Freight uses, and/or directs, induces, or instructs 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 MTS Freight's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

25. Defendant Oak Harbor Freight Lines, Inc. uses, and/or directs, induces, or instructs 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 Oak Harbor Freight Lines, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

26. Defendant Peninsula Truck Lines, Inc. uses, and/or directs, induces, or instructs 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 Peninsula Truck Lines, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

27. Defendant Reddaway uses, and/or directs, induces, or instructs 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 Reddaway's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

28. Defendant Sammons Trucking uses, and/or directs, induces, or instructs 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 Sammons Trucking's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

29. Defendant The Waggoners Trucking uses, and/or directs, induces, or instructs 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 The Waggoners Trucking's fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

30. Defendant Watkins & Shepard Trucking, Inc. uses, and/or directs, induces, or instructs 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 Watkins & Shepard Trucking, Inc.'s fleet of trucks, vans or other vehicles operate in the State of Washington, including in this judicial district, while using the infringing electronic fleet management systems.

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

31. PJC Logistics repeats and realleges the allegations of paragraphs 1 through 30 as if fully set forth herein.

32. 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.

33. 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.

34. Without license or authorization, each of the Defendants has been infringing the '844 Patent, and/or contributing to the infringement of said patent by others in the United States, 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) and (c).

35. PJC Logistics has been damaged by Defendants' infringing activities.

JURY DEMAND

36. 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:

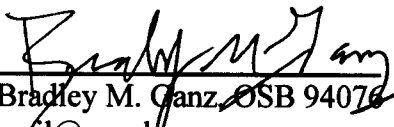
- a. That this Court adjudge that Defendants have each infringed the '844 Patent;
- b. That this Court ascertain and award PJC Logistics damages sufficient to compensate it for the above infringement and that the damages so ascertained be awarded to PJC Logistics with interest;
- c. That this Court find 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 18, 2011


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