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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST DIV. CINCINNATI

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R+L CARRIERS, INC.
600 Gillam Road
Wilmington, Ohio 45177,

Plaintiff,

vs.

INTERMEC TECHNOLOGIES CORP.
6001 36th Avenue West
Everett, WA 98203-1264,

Defendant.

CASE NO: _____

1:09 CV 532

JUDGE **J. DLOTT**

Jury Demand Endorsed Herein

COMPLAINT FOR PATENT INFRINGEMENT

R+L Carriers, Inc. ("R+L") states the following for its complaint against Intermec Technologies Corporation ("Intermec").

Nature of the Action

1. This is an action for patent infringement in violation of 35 U.S.C. § 271(b) and (c).

Jurisdiction and Venue

2. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has general personal jurisdiction over Intermec because of its continuous and systematic contacts with the State of Ohio. Intermec maintains approximately 65 office locations worldwide, including a sales office in Fairfield, Ohio.

4. Upon information and belief, this Court has specific personal jurisdiction over Intermec because it has caused and induced others to use, among other things, its Rugged Fixed Mount Computers and Transportation and Logistics solutions within the State of Ohio in a manner that infringes on a patent owned by R+L, causing R+L harm and tortious injury in this judicial district.

5. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §§ 1391(d) and 1400(b).

The Parties

6. R+L is a corporation organized and existing under the laws of the State of Ohio, and has its principal place of business at 600 Gillam Road, Wilmington, Ohio 45177.

7. Upon information and belief, Intermec is a Washington corporation with its global headquarters at 6001 36th Avenue West, Everett, Washington 98203-1264.

The Infringed Patent

8. The United States Patent and Trademark Office duly and legally issued United States Patent No. 6,401,078 B1 (“the ‘078 Patent”) entitled “Bill of Lading Transmission and Processing System for Less Than a Load Carriers” on June 4, 2002. A copy of the ‘078 Patent is attached as Exhibit A.

9. The ‘078 Patent claims a process directed to the transfer of shipping documentation for a package (freight) to a processing center. In particular, documentation for a package is scanned and transmitted wirelessly to a remote processing center. The processing center then prepares a loading manifest that includes the package for further transportation of the package, prior to the package being removed from the transporting vehicle.

10. R+L owns all right, title and interest in the ‘078 Patent via assignment.

Actions Giving Rise to this Complaint

11. Intermec is a supply chain technology provider that develops solutions for a variety of industries, including, but not limited to, the retail, healthcare provider, field service, industrial goods, consumer goods, and transportation industries.

12. According to its website, Intermec offers “the broadest range of data collection, mobile computing, RFID, wired and wireless connectivity, and printer and media solutions available from one company.” Intermec provides “services that define, design, deploy and support the systems [its customers] use for identifying, tracking, and managing critical assets.”

13. Intermec offers at least two Fixed Vehicle Computers on its website: (a) the CV30 Rugged Fixed Mount Computer, and (b) the CV60 Vehicle Mount Computer. The product overview for the CV30 Rugged Fixed Mount Computer found on Intermec’s website states that “the CV30 can be used to remotely manage peripherals such as Bluetooth scanners and RFID, as well as to remotely and easily manage global deployments.” Similarly, the product profile for the CV60 Vehicle Mount Computer advertises that “the CV60 terminal, either fixed or vehicle mounted, puts wireless supply chain management right where the data is . . . [the CV60] supports Intermec’s Bluetooth line of printers and hand held bar code scanners.”

14. Intermec also advertises rugged hand held bar code scanners that can be used with the CV30 and CV60 computers. In one example, the product profile (found on Intermec’s website) for the SR61ex Hand Held Scanner states that it is designed to interface with the CV30 and CV60 to allow users to “capture images, signatures and documents . . .” Upon information and belief, the CV30 and CV60 computers and hand held bar code scanners are used in conjunction with Intermec’s Transportation and Logistics solutions.

15. According to its website, Intermec's Transportation and Logistics solutions include "Pickup and Delivery Operations": "Intermec offers an automated pickup and delivery system that allows drivers to scan tracking numbers for verification, plus collect signatures on a handheld mobile computer. This information can then be date/time and location stamped and sent instantaneously via wide area wireless network." Intermec's Pickup and Delivery Operations are used for, among other things, dispatch/route optimization, load management and pickup and delivery status.

16. Another of Intermec's offerings within its Transportation and Logistics solutions is "In-Transit Visibility." According to Intermec's website, In-Transit Visibility provides a complete line of "batch, wired and wireless data collection terminals and computers, bar code printers, scanners and quality supplies" that are used in a wide range of applications, including dispatch/route optimization, load management, and pickup and delivery status.

17. Intermec also provides "Cross Dock" functions as part of its Transportation and Logistics Solutions. Intermec promotes the Cross Dock functions on its website as "significantly reduc[ing] the number of times operators handle the shipments" which reduce the number of shipment handling errors. The website adds that "Intermec solutions provide information on-demand and in real-time allowing for inclusive processes . . . Intermec systems include a complete line of handheld and vehicle mounted computers, world-class wireless local area networks, and RFID technologies, which completely automate the cross docking process, eliminating the need for manual, error-prone processes."

18. Thus, upon information and belief, Intermec is contributing to and actively inducing the infringement of the '078 Patent by marketing and selling its Rugged Fixed Mount Computers and Transportation and Logistics solutions in a manner that encourages motor

carriers to remotely transmit shipping documents from onboard a motor vehicle to a remote processing facility. There, a loading document is prepared that includes the further transport of goods on another vehicle. Intermec does so without leave or license of R+L, and in violation of R+L's rights.

COUNT I—CONTRIBUTORY INFRINGEMENT

19. R+L repeats and realleges the allegations contained in paragraphs 1-19 above as if fully set forth herein.

20. Upon information and belief, Intermec knowingly sells and offers to sell its Rugged Fixed Mount Computers and Transportation and Logistics solutions to customers who use them in conjunction with other applications and processes, and in a manner that infringes on the patented process claimed in the '078 Patent. Intermec's conduct amounts to contributory infringement in violation of 35 U.S.C. § 271(c).

21. Upon information and belief, Intermec has profited and will continue to profit from contributing to the infringement of the '078 Patent.

22. Intermec's actions with regard to contributing to the infringement of the '078 Patent has caused and will continue to cause R+L substantial and irreparable injury, for which R+L is entitled to receive injunctive relief and adequate compensatory damages.

23. Further, the Intermec's actions with regard to contributing to the infringement of the '078 Patent are willful such that R+L is entitled to treble damages under 35 U.S.C. § 284.

COUNT II—ACTIVE INDUCEMENT OF INFRINGEMENT

24. R+L repeats and realleges the allegations contained in paragraphs 1-23 above as if fully set forth herein.

25. Upon information and belief, Intermec knowingly encourages and intends for its customers to use its Rugged Fixed Mount Computers and Transportation and Logistics solutions in conjunction with other applications and processes, and in a manner that infringes on the patented process claimed in the '078 Patent. Intermec's conduct amounts to active inducement of infringement in violation of 35 U.S.C. § 271(b).

26. Upon information and belief, Intermec has profited and will continue to profit from actively inducing the infringement of the '078 Patent.

27. Intermec's actions with regard to actively inducing the infringement of the '078 Patent has caused and will continue to cause R+L substantial and irreparable injury, for which R+L is entitled to receive injunctive relief and adequate compensatory damages.

28. Further, Intermec's actions with regard to actively inducing the infringement of the '078 Patent are willful such that R+L is entitled to treble damages under 35 U.S.C. § 284.

Demand for Relief

WHEREFORE, R+L respectfully requests that this Court enter judgment as to both counts as follows:

A. Declare that R+L is the owner of the '078 Patent and that the '078 Patent is valid and enforceable;

B. Preliminarily and permanently enjoin Intermec, its employees and agents, and any others acting in concert with Intermec, from contributing to and/or actively inducing the infringement of the '078 Patent;

C. Award R+L its damages resulting from Intermec's contribution to and active inducement of the infringement of the '078 Patent;

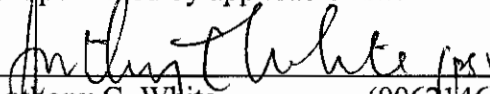
D. Award R+L treble damages pursuant to 35 U.S.C. § 284 as a result of Intermecc's willfulness in contributing to and actively inducing the infringement of the '078 Patent;

E. Declare that the nature of Intermecc's infringement is "exceptional" pursuant to 35 U.S.C. § 285 and award R+L its costs and attorney fees; and

F. Grant R+L such other relief as is just and proper.

Jury Demand

R+L demands a trial by jury to the extent permitted by applicable law.


Anthony C. White (0062146)

Respectfully submitted,


Anthony C. White (0062146)
O. Judson Scheaf, III (0040285)
Philip B. Sineneng (0083406)
THOMPSON HINE LLP
41 South High Street, Suite 1700
Columbus, Ohio 43215-6101
Tel: (614) 469-3200
Fax: (614) 469-3361
Tony.White@ThompsonHine.com
Jud.Scheaf@ThompsonHine.com
Philip.Sineneng@ThompsonHine.com

Megan D. Dortenzo (0079047)
THOMPSON HINE LLP
3900 Key Center
127 Public Square
Cleveland, OH 44114
Tel: (216) 566-5500
Fax: (216) 566-5800
Megan.Dortenzo@ThompsonHine.com

Attorneys for Plaintiff R+L Carriers, Inc.