

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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

Plaintiff,

vs.

QUALCOMM, INC.
5775 Morehouse Drive
San Diego, CA 92121-1714,

Defendant.

CASE NO: 1:09cv445

JUDGE Weber

Jury Demand Endorsed Herein

COMPLAINT FOR PATENT INFRINGEMENT

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

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 Qualcomm because of its continuous and systematic contacts with the State of Ohio. On its own website, Qualcomm acknowledges that it maintains significant business alliances with companies located in Ohio. Those companies include, but are not limited to, the following: TMW Systems, a trucking

software company that is incorporated and headquartered in Ohio; Intermecc, Inc, a software company with an office location in Cincinnati; and Operating Tax Systems (OTS), a tax firm providing analyses of fuel routes for motor fleets headquartered in Ohio.

4. Jurisdiction is also proper in the State of Ohio because Qualcomm, as acknowledged on its website, maintains strategic alliances with companies doing significant business in Ohio. Those companies include, but are not limited to, the following: (i) Best Online Tracking (BOLT) Systems, a software company affiliated with Pro_EDI (a document imaging provider located in Independence, Ohio) and Transportation Clearing House (a provider of financial services at over 50 truckstops throughout Ohio); (ii) Carrier Logistics, Inc. a software provider doing business with Cargo Connections Logistics (an LTL carrier with a terminal in Columbus, Ohio); (iii) Innovative Computing Corporation, a software company doing business with Cincinnati, Ohio-based RRR Express, LLC; (iv) Progressive Data Systems, a freight management software provider doing business with Dell and Pilot Travel Centers, both of whom have locations throughout Ohio; (v) Tell Systems, Inc., a software company whose clients include truck carriers R&M Trucking (which maintains a terminal in Bucyrus, Ohio), Vitran Express (which maintains terminals in Toledo, Cleveland, Columbus and Cincinnati); and Ward Trucking (which maintains service centers in Cleveland, Columbus and Cincinnati); and (vi) Trinium Technologies, Inc., a software provider partnered with Depot Systems (located in Wickliffe, Ohio) and Sage Software (located in Mayfield Heights, Ohio).

5. Upon information and belief, this Court has specific personal jurisdiction over Qualcomm because it has caused and induced others to use, among other things, its OmniTRACS System, OmniVision Transportation Services, and OmniVision Mobile Workflow

products and services 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.

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

The Parties

7. 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.

8. Upon information and belief, Qualcomm is a California corporation with its headquarters at 5775 Morehouse Road, San Diego, CA 92121-1714.

The Infringed Patent

9. 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.

10. 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, prior to the package being removed from the transporting vehicle.

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

Actions Giving Rise to this Complaint

12. Qualcomm is a global provider of wireless technologies and telecommunications equipment. Qualcomm’s wireless telecommunications products include OmniTRACS, which

Qualcomm claims to be “the largest satellite-based commercial mobile system for the transportation industry today.”

13. According to a brochure posted on its website, Qualcomm offers its OmniTRACS System to trucking customers to “increase the productivity of support teams by streamlining their communications, tracking and dispatch.” The standard features of the OmniTRACS System include “two-way text and data communications,” “reliable message delivery,” and support for “selected third-party scanners and signature-capture devices to help sidestep the errors and delays of paper-based systems.” The OmniTRACS System integrates with “other back-office systems,” such as, for example, sharing "data with certified third-party dispatch and routing software," to perform a process that infringes on the '078 Patent.

14. Qualcomm also offers OmniVision Transportation Services. According to Qualcomm’s website, those services “are designed to enhance the safety, efficiency, and productivity of fleet operations while improving the drivers’ in-cab experience.” OmniVision Transportation Services bundle provides, among other things, the following three services: In-Cab Scanning, Automated Arrival and Departure Service, and Asset Management Service for Trailers and Containers.

15. A brochure for Qualcomm’s In-Cab Scanning product states that it “enables drivers to scan and transmit important documents from the cab of their truck. No more wasted time making extra stops and paying fees to copy, scan, fax or mail documents. The In-Cab Scanning service helps to improve driver and back-office efficiency.” The In-Cab Scanning service also helps by "reducing manual errors associated with re-keying important information, such as ... bills of lading...".

16. A brochure for Qualcomm's Automated Arrival & Departure Service advertises that it has "seamless integration with leading dispatch systems" and helps "manage routes and fleets more efficiently." It also reduces "manual procedures" and "increase[s] driver and dispatch productivity."

17. Qualcomm's Asset Management Service provides timely information about the load status and location of trailers. Qualcomm promotes the service in a brochure by claiming that it can "monitor the status and location of trailers and containers in real time"; "increase driver and tractor productivity"; and "optimize asset utilization and trailer pool inventory." The service can also "create valuable reports for operations and planning."

18. Thus, Qualcomm promotes and encourages the use of OmniVision Transportation Services in a manner that infringes on the '078 Patent.

19. The OmniVision Mobile Workflow Services are another Qualcomm product. According to Qualcomm's website, Mobile Workflow Services provide "streamlined dispatcher communication" and "better visibility into driver status." It can also "raise productivity with accurate arrival and departure confirmations" and "improve management of unscheduled pickups, route changes, and service impacts." Using McLeod Software, the Mobile Workflow Services product "streamlines communication between drivers and dispatchers, including load assignment . . . and captures comprehensive and accurate load information." Upon information and belief, Qualcomm's OmniVision Mobile Workflow Services integrates with OmniTRACS transportation communication systems and software to perform a process that infringes on the '078 Patent.

20. Thus, upon information and belief, Qualcomm is contributing to and actively inducing the infringement of the '078 Patent by marketing and selling its OmniTRACS System,

OmniVision Transportation Services, and OmniVision Mobile Workflow products and services 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. Qualcomm does so without leave or license of R+L, and in violation of R+L's rights.

COUNT I—CONTRIBUTORY INFRINGEMENT

21. R+L repeats and realleges the allegations contained in paragraphs 1-20 above as if fully set forth herein.

22. Upon information and belief, Qualcomm knowingly sells and offers to sell its OmniTRACS System, OmniVision Transportation Services, and OmniVision Mobile Workflow products and services 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. Qualcomm's conduct amounts to contributory infringement in violation of 35 U.S.C. § 271(c).

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

24. Qualcomm'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.

25. Further, the actions of Qualcomm 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

26. R+L repeats and realleges the allegations contained in paragraphs 1-25 above as if fully set forth herein.

27. Upon information and belief, Qualcomm knowingly encourages and intends for its customers to use its OmniTRACS System, OmniVision Transportation Services, and OmniVision Mobile Workflow products and services in conjunction with other applications and processes, and in a manner that infringes on the patented process claimed in the '078 Patent. Qualcomm's conduct amounts to active inducement of infringement in violation of 35 U.S.C. § 271(b).

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

29. Qualcomm'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.

30. Further, Qualcomm'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 count 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 Qualcomm, its employees and agents, and any others acting in concert with Qualcomm, from contributing to and/or actively inducing the infringement of the '078 Patent;

C. Award R+L its damages resulting from Qualcomm'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 Qualcomm's willfulness in contributing to and actively inducing the infringement of the '078 Patent;

E. Declare that the nature of Qualcomm'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 by SP [Signature] (OH-0072794)
Anthony C. White (0062146)

Respectfully submitted,

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