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JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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

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

Plaintiff,

vs.

EBE TECHNOLOGIES, INC.
4430 Kennedy Drive
East Moline, Illinois 61244

Defendant.

CASE NO: _____

1:09 CV 530

JUDGE _____

WEBER

Jury Demand Endorsed Herein

COMPLAINT FOR PATENT INFRINGEMENT

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

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 EBE because of its continuous and systematic contacts with the State of Ohio. On its website, EBE 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; and the Flying J, an operator of travel plazas and diesel fuel stations throughout Ohio.

4. Jurisdiction is also proper in this district because EBE, as acknowledged on its website, conducts business with companies located in Ohio. Those companies include, but are not limited to, the following: Midwest Express Group, a trucking company headquartered in Logan County, Ohio; and CPC Logistics, a staffing company that specializes in placing truck drivers with an office location in Cincinnati, Ohio.

5. Upon information and belief, this Court has specific personal jurisdiction over EBE because it has caused and induced others to use, among other things, its SHIPS transportation software within 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, EBE is an Illinois corporation with its headquarters at 4430 Kennedy Drive, East Moline, Illinois 61244.

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 for further transportation of 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. EBE provides integrated business process management trucking software. EBE claims to have expertise in imaging, document management and trucking software, and offers SHIPS transportation software, which automates labor-intensive data-entry tasks.

13. According to EBE's website, SHIPS transportation software "accesses information from company dispatch, accounting, mobile communications, log scanning and other transportation related applications." EBE's press kit states that "SHIPS imaging software extends the value of the system by allowing personnel to retrieve and view scanned documents. As documents are scanned, they are indexed and bar coded for easy, quick access."

14. SHIPS transportation software has specific programs for the less-than-truckload ("LTL") industry. According to EBE's press kit, the LTL specific workflows "are designed to meet unique needs of a fast paced, transaction heavy, multi-stop environment" (emphasis added).

15. The LTL specific workflows are comprised of two distinct modules: the multi-indexer module and the delivery set printing module. On its website, EBE promotes the multi-indexer module's ability to "streamline[] the scanning and cross-referencing of the manifest and individual pro numbers by indexing multiple pro numbers to a single manifest" (emphasis added). The delivery set printing module "creates an outbound manifest and supporting receipts.

It automatically bar codes the delivery receipts, sorts by bill code and adds documents such as bills of lading or packing slips to support the delivery receipt.”

16. Thus, upon information and belief, EBE is contributing to and actively inducing the infringement of the ‘078 Patent by marketing and selling its SHIPS trucking software 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. EBE does so without leave or license of R+L, and in violation of R+L’s rights.

COUNT I—CONTRIBUTORY INFRINGEMENT

17. R+L repeats and realleges the allegations contained in paragraphs 1-16 above as if fully set forth herein.

18. Upon information and belief, EBE knowingly sells and offers to sell its SHIPS transportation software 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. EBE’s conduct amounts to contributory infringement in violation of 35 U.S.C. § 271(c).

19. Upon information and belief, EBE has profited and will continue to profit from contributing to the infringement of the ‘078 Patent.

20. EBE’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.

21. Further, EBE’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

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

23. Upon information and belief, EBE knowingly encourages and intends for its customers to use its SHIPS transportation software in conjunction with other applications and processes, and in a manner that infringes on the patented process claimed in the '078 Patent. EBE's conduct amounts to active inducement of infringement in violation of 35 U.S.C. § 271(b).

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

25. EBE'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.

26. Further, EBE'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:

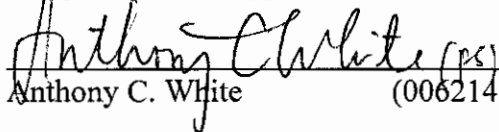
A. Declare that R+L is the owner of the '078 Patent and that the '078 Patent is valid and enforceable;

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


- C. Award R+L its damages resulting from EBE'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 EBE's willfulness in contributing to and actively inducing the infringement of the '078 Patent;
- E. Declare that the nature of EBE'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)

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