

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

	§	
MOBILE	§	
TELECOMMUNICATIONS	§	CIVIL ACTION NO.
TECHNOLOGIES, LLC,	§	
	§	JURY TRIAL REQUESTED
Plaintiff,	§	
v.	§	
	§	
UNITED PARCEL SERVICE, INC.,	§	
Defendant.	§	

ORIGINAL COMPLAINT

Plaintiff Mobile Telecommunications Technologies, LLC (“MTEL”) files this Complaint against United Parcel Service, Inc. (“UPS”) for infringement of U.S. Patent No. 5,786,748 (the “748 Patent”) pursuant to 35 U.S.C. § 271 and alleges as follows.

THE PARTIES

1. Plaintiff MTEL is a Delaware corporation with its principal place of business at 1720 Lakepointe Drive, Suite 100 Lewisville, TX 75057.

2. MTEL is the holder of a portfolio of patents formerly held by Mobile Telecommunication Technologies Corp. (“MTEL Corp.”) and its related entities, such as Destineer and SkyTel Communications.

3. MTEL Corp. was a pioneer in wireless communications and is credited with launching the world’s first two-way wireless paging service, dubbed SkyTel 2-Way.

4. The paging operations are currently based out of Lewisville, Texas. The business is currently operating out of Lewisville, Texas.

5. Defendant UPS is a Delaware corporation with its corporate headquarters located at 55 Glenlake Parkway, N.E., Atlanta, Georgia 30328-3498. UPS may be served with process through its registered agent, Corporation Service Company D/B/A CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

6. UPS is a package-delivery company with domestic operations in all 50 states as well as the territory of Puerto Rico.

JURISDICTION AND VENUE

7. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code. The Court has subject matter

jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

8. This Court has personal jurisdiction over Defendant under the laws of the State of Georgia.

9. Plaintiff incorporates all statements of jurisdiction in the preceding paragraphs. The causes of action against Defendant in this Complaint arise from or are connected with purposeful acts committed by Defendant in Georgia. Defendant has conducted and continues to conduct business within the State of Georgia, directly or through intermediaries or agents, or offer for sale, sell, or advertise (including through the provision of interactive web pages) products or services, or use or induce others to use products or services in Georgia that infringe the '748 Patent, or knowingly contribute to infringement of the '748 Patent. In addition, Defendant is a resident of Georgia.

THE PATENT-IN-SUIT

10. On July 28, 1998, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,786,748, titled “METHOD AND APPARATUS FOR GIVING NOTIFICATION OF EXPRESS MAIL DELIVERY,” after a full and fair examination. A true and correct copy of the '748 Patent is attached hereto as **Exhibit A**. MTEL is the assignee of all right,

title and interest in and to the '748 Patent and possesses the exclusive right of recovery under the '748 Patent, including the exclusive right to recover for infringement of the '748 Patent.

11. The '748 Patent is presumed valid and enforceable.

12. The '748 Patent claims, *inter alia*, methods for providing notification of an express mail delivery to an addressee via wireless page messages.

13. The inventions described in the '748 Patent present novel methods for, *inter alia*, giving prompt notifications to concerned parties of the actual delivery of express mailings.

INFRINGEMENT OF THE PATENT-IN-SUIT

14. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 – 13 as if those allegations have been fully set forth herein.

15. On information and belief, UPS practices the methods claimed in the '748 Patent.

16. In particular, on information and belief, UPS offers package tracking services that provide information on the status of a shipment via Short Message Service (SMS).

17. For example, UPS facilitates package tracking via a variety of tracking options including “Track Packages & Freight,” “UPS My Choice,” and “Quantum View.”

18. A user may track a package by entering an identification number and a mobile telephone number to a telephone capable of receiving SMS messages.

19. Further, on information and belief, UPS automatically assigns at least one identification number to packages it ships. UPS calls these identification numbers “tracking numbers.” UPS uses the tracking numbers to identify and trace shipments as they move through the UPS system to their destination.”

20. On information and belief, the identification numbers UPS uses include UPS Tracking numbers, UPS InfoNotice numbers, UPS Service Notice numbers, PRO numbers, House Air Waybill numbers, and House Bill of Lading numbers.

21. On information and belief, using one of the tracking options, one of the identification numbers associated with a package, and a mobile telephone number associated with a telephone capable of receiving SMS messages, UPS provides information to an intended package recipient including whether there has been an attempt at delivery.

22. On information and belief, using one of the tracking options, one of the identification numbers associated with a package, and a mobile telephone number associated with a telephone capable of receiving SMS messages, UPS provides information to an intended package recipient including whether there has been a successful delivery.

23. On information and belief, using one of the tracking options, one of the identification numbers associated with a package, and a mobile telephone number associated with a telephone capable of receiving SMS messages, UPS provides information to an intended package recipient including whether there has been a delivery exception, such as when a package delivery has been delayed.

24. On information and belief, using one of the tracking options, one of the identification numbers associated with a package, and a mobile telephone number associated with a telephone capable of receiving SMS messages, UPS provides information to an intended package recipient including the time at which a successful delivery occurred.

25. On information and belief, using one of the tracking options, one of the identification numbers associated with a package, and a mobile telephone number associated with a telephone capable of receiving SMS messages, UPS

provides information to an intended package recipient including the name of a person that signed for the package at the delivery address.

26. Defendant, without authorization or license, has been and is now infringing multiple claims of the '748 Patent, in violation of 35 U.S.C. § 271(a), directly and/or indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents.

27. Defendant directly infringes by making, using, selling, offering for sell, and/or importing software, equipment, standards, and/or services that embody claims of the '748 Patent.

28. Defendant encourages its customers to monitor their packages via UPS' tracking services including, for example, the internet link on UPS website entitled "Track Packages & Freight."

29. Defendant had knowledge of the '748 Patent at least as of the time of the filing of this action.

30. Defendant has and continues to willfully practice the inventions claimed in the '748 patent despite an objectively high likelihood that its actions constitute infringement of the '748 patent.

31. Plaintiff has no adequate remedy at law against Defendant's acts of infringement and Defendant's infringement will continue unless enjoined by this Court.

32. Plaintiff has suffered, and will continue to suffer, irreparable injury as a result of Defendant's infringement.

33. Plaintiff is in compliance with the requirements of 35 U.S.C. § 287.

34. Plaintiff has been damaged by Defendant's infringement, and will continue to be damaged until this Court enjoins Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. That Defendant be adjudged to have infringed the '748 Patent, directly and indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;

B. That Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly or indirectly infringing the '748 Patent;

C. That Plaintiff be awarded damages sufficient to compensate Plaintiff for Defendant's infringement, pursuant to 35 U.S.C. § 284;

D. That Defendant be directed to pay Plaintiff pre-judgment and post-judgment interest and costs for Plaintiff bringing this lawsuit, in accordance with 35 U.S.C. § 284;

E. That Defendant be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

F. That Plaintiff receive such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of any and all issues triable of right before a jury.

Dated: September 14, 2012

Respectfully submitted,

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