

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MACROPOINT, LLC**

*Plaintiff*

v.

**RUIZ FOOD PRODUCTS, INC.**

*Defendant.*

Civil Action No.:

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

In this action for patent infringement, MacroPoint, LLC (“MacroPoint”), makes the following allegations against Ruiz Food Products, Inc. (“Ruiz”).

**BACKGROUND**

1. MacroPoint is the exclusive owner of all right, title, and interest to United States Letters Patent No. 9,429,659 B1, entitled, “Machine or Group of Machines for Monitoring Location of a Vehicle or Freight Carried by a Vehicle” (the “659 Patent”) and United States Letters Patent No. 8,275,358 B1, entitled, “Providing Notice and Receiving Consent to Obtain Location Information of a Mobile Device” (the “358 Patent”).
2. MacroPoint designs, develops, markets and sells software products and services that facilitate location tracking and management of freight in transit.
3. MacroPoint seeks monetary damages for Ruiz’s infringement and a permanent injunction prohibiting Ruiz from continuing to infringe the patents.

## **PARTIES**

4. MacroPoint is a limited liability company organized and existing under the laws of the State of Ohio, with a principal place of business at 6050 Oak Tree Boulevard, Suite 150, Cleveland, OH 44131. MacroPoint is a software and application developer that provides logistics-related solutions for operations such as location tracking, mobile communication, order updates, work activity updates, on-board diagnostic reporting, and text messaging.

5. Ruiz is a California corporation with a principal place of business in this judicial district at 2410 Texoma Drive, Denison, Texas 75020. Ruiz is a manufacturer and distributor of frozen foods. As a regular and substantial part of its day-to-day business operations, employees, agents, or contractors of Ruiz operate trucks or other vehicles to deliver freight that includes Ruiz's products to various distributors or retailers. Ruiz uses machines or groups of machines to monitor location of vehicles carrying freight of Ruiz or location of freight or location of both vehicles and freight as part of its day-to-day business operations.

## **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) because MacroPoint's action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* (the "Patent Act"), including § 271.

7. This Court has personal jurisdiction over Ruiz because, among other reasons, Ruiz has a substantial physical presence in this judicial district, regularly solicits and transacts business in this judicial district, engages in a persistent course of conducting business in this judicial district, derives substantial revenue from goods and services sold in this judicial district, and has committed and continues to commit acts of patent infringement in this judicial district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 because, among other reasons, Ruiz is subject to personal jurisdiction in this judicial district and has committed and continues to commit acts of patent infringement in this District.

## COUNT I

### Infringement of the '659 Patent

9. MacroPoint incorporates by reference the allegations in the foregoing paragraphs of this Complaint as though fully set forth herein.

10. On August 30, 2016, the United States Patent and Trademark Office duly and validly issued the '659 Patent for inventions covering technology that includes a machine or group of machines for monitoring location of at least one of a vehicle or freight carried by the vehicle. The examiner of the application that matured into the '659 Patent found that the inventions claimed in the '659 Patent were novel, non-obvious, useful, properly claimed, eligible to be patented, and met all the requirements of the Patent Act, including sections 101, 102, 103, and 112. The patent examiner made such findings over a pre-issuance protest initiated by one of MacroPoint's competitors.

11. Ruiz infringes at least claims 23, 24, 25, 27, 28, 29, and 30 of the '659 Patent. An accurate and correct copy of the '659 Patent is attached to this Complaint as Exhibit A and incorporated by reference.

12. The patented machine or group of machines comprises a server that includes a central processing unit, a memory, a clock, and a server communication transceiver.

13. The server communication transceiver receives location information of a mobile device that includes a global positioning system (“GPS”) receiver, a microprocessor, and a wireless communication transceiver coupled to the GPS receiver.

14. The mobile device is programmed to receive data sent by a plurality of GPS satellites, calculate location information of the mobile device that includes the GPS receiver, and transmit the location information.

15. The central processing unit of the server is programmed to receive a request for information regarding the location of the vehicle or the freight carried by the vehicle, request location information of the vehicle or the freight carried by the vehicle from a location information provider; receive an indication that consent to transmission of location information has been given; receive location information of the vehicle or the freight carried by the vehicle from the location information provider; estimate the location of the vehicle or the freight carried by the vehicle from the location information received from the location information provider; and communicate the location of the vehicle or the freight carried by the vehicle.

16. In one variation of the patented machine or group of machines, the location of the vehicle or the freight carried is estimated based on a vehicle reference number or a freight reference number associated with the mobile device that includes the GPS receiver.

17. In another variation of the patented machine or group of machines, the location information provider corresponds to a device associated with at least one of a wireless service provider providing wireless service to the mobile device comprising the GPS receiver, a third party that obtains the location information of the mobile device comprising the GPS receiver from the wireless service provider providing wireless service to the mobile device comprising the GPS receiver, and a party that has access to the location information of the mobile device

comprising the GPS receiver but is other than the wireless service provider or the third party that obtains the location information of the mobile device comprising the GPS receiver from the wireless service provider.

18. In yet another variation of the patented machine or group of machines, the central processing unit is programmed to communicate the location of the vehicle or the freight carried by the vehicle to one or more of a freight service provider, a party to whom the freight service provider provides freight services, and a party that provides location information services to the freight service provider or to the party to whom the freight service provider provides freight services.

19. In still another variation of the patented machine or group of machines, the central processing unit receiving from the location information provider location information of the mobile device comprising the GPS receiver is the indication that consent to transmission of location information of the mobile device comprising the GPS receiver has been given.

20. In a further variation of the patented machine or group of machines, the location information of the mobile device comprising the GPS receiver is originally obtained using a method including a technique utilizing the GPS receiver that forms part of the mobile device comprising the GPS receiver.

21. In a still further variation of the patented machine or group of machines that is an addition to or an alternative to the variation described in paragraph 20 above, the location information of the mobile device comprising the GPS receiver is originally obtained using a method including a technique other than a technique utilizing the GPS receiver that forms part of the mobile device comprising the GPS receiver.

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