

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TRANSCEND SHIPPING SYSTEMS, LLC,

*Plaintiff,*

v.

ORIENT OVERSEAS CONTAINER  
LINE LTD.,

*Defendant.*

Case No. 2:21-cv-20

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Transcend Shipping Systems, LLC (“Transcend”) hereby files this Original Complaint for Patent Infringement against Orient Overseas Container Line Ltd. (“OOCL”), and alleges, upon information and belief, as follows:

**THE PARTIES**

1. Transcend is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at 600 S. Dixie Highway, Suite 605, West Palm Beach, Florida 33401.
2. Upon information and belief, Orient Overseas Container Line Ltd. is a limited company organized and existing under the laws of Hong Kong with its principal office at Harbour Centre, 31<sup>st</sup> Floor, 25 Harbour Road, Wanchai, Hong Kong.
3. Upon information and belief, OOCL also maintains an office in Texas at 7600 West Tidwell, Suite 700, Houston, Texas 77040.

**JURISDICTION AND VENUE**

4. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

5. The Court has personal jurisdiction under the Texas Long Arm Statute and the Due Process Clause of the U.S. Constitution over OOCL because they are present within or have minimum contacts within the State of Texas, including the Eastern District of Texas.
6. OOCL has sought protection and benefit from the laws of the State of Texas; OOCL regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's cause of action arises directly from OOCL's business contacts and other activities in the State of Texas and in the Eastern District of Texas.
7. More specifically, OOCL, directly and/or through intermediaries, ship, distribute, use, offer for sale, sell, and/or advertise products and services in the United States, the State of Texas, and the Eastern District of Texas including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, OOCL has committed patent infringement in the State of Texas and in the Eastern District of Texas. OOCL solicits and has solicited customers in the State of Texas and in the Eastern District of Texas. OOCL has paying customers, who are residents of the State of Texas and the Eastern District of Texas, who each use and have used the OOCL's products and services in the State of Texas and in the Eastern District of Texas.
8. As an example, OOCL maintains an office in Texas at 7600 West Tidwell, Suite 700, Houston, Texas 77040. (See Figure 1 below).

The screenshot shows the OOCL website's 'Local Contacts' page. At the top left is the OOCL logo with the tagline 'We take it personally'. The main heading is 'Local Contacts'. To the right of the heading are icons for 'Print', 'LinkedIn', 'Twitter', and 'Email'. Below this is the section 'HOUSTON CUSTOMER SERVICE CENTER'. Underneath are several blue links: 'North America Customer Service Handling Structure', 'Office Address & Office Hours', 'Contact Information', 'Support Services', 'Emergency Contacts After Office Hours', and 'Management Team Contact Information'. A sub-section titled 'Office Address' contains a box with the following text: 'Houston Office', 'OOCL (USA) Inc.', '7600 West Tidwell, Suite 710', 'Houston, TX 77040', 'Tel: (1) 713 329-9200', 'Office Hours', and 'Mon - Fri : 08:30 - 17:00 Central Time'.

Figure 1<sup>1</sup>

9. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).
10. Venue is also proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c)(3) because Orient Overseas Container Line Ltd. is not a resident of the United States and therefore may be sued in any judicial district.

### **PATENTS-IN-SUIT**

11. Transcend Shipping Systems, LLC is the sole and exclusive owner, by assignment, of U.S. Patent Nos. 7,253,731 (“the ’731 Patent”); 7,482,920 (“the ’920 Patent”); 9,847,029 (“the ’029 Patent”); 10,181,109 (“the ’109 Patent”); and 10,796,268 (“the ’268 Patent”) (hereinafter collectively referred to as “the Transcend Patents”).

<sup>1</sup> Source, as visited on January 15, 2021: <https://www.msc.com/usa/contact-us/msc-houston>

12. The Transcend Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
13. The Transcend Patents each include numerous claims defining distinct inventions.
14. The priority date of each of the Transcend Patents is at least as early January 23, 2001. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine.
15. Plaintiff alleges infringement on the part of OOCL of each of the Transcend Patents.
16. The '731 Patent relates generally to an apparatus, including a shipment conveyance device, associated with a shipment, which is a shipping a container, pallet, or tote, a memory device, located at the shipment conveyance device, in which information regarding the shipment is stored, a global positioning device, located at the shipment conveyance device, which determines a position or location of the shipment conveyance device, a processing device which processes information regarding the shipment and/or shipment conveyance device in response to an occurrence of an event or in response to a request for information and generates a message containing information regarding the position or location of the shipment conveyance device and information regarding the occurrence of an event, a status of the shipment, a shipment temperature, or an impact or force on the shipment conveyance device, and a transmitter, located at the shipment conveyance device, which transmits the message to a communication device. *See* Abstract, '731 Patent.
17. The '920 Patent relates generally to an apparatus, including a shipment conveyance device which is a shipping container, pallet, piece of luggage, or tote, a memory device located in, on, or at, the shipment conveyance device which stores information regarding the shipment conveyance device, a global positioning device located in, on, or at, the shipment conveyance

device which determines a position or location of the shipment conveyance device, a processing device which processes information regarding the shipment conveyance device in response to an occurrence of an event or a request for information and which generates a message containing information regarding the position or location of the shipment conveyance device and information regarding the occurrence of an event, a status of a shipment or transportation involving the shipment conveyance device, a temperature, or an impact or force on the shipment conveyance device, and a transmitter located in, on, or at, the shipment conveyance device which transmits the message to a communication device. *See* Abstract, '920 Patent.

18. The '029 Patent relates generally to an apparatus, including a shipment conveyance device which is a shipping container, pallet, or piece of luggage, a memory device located in, on, or at, the shipment conveyance device which stores information regarding the shipment conveyance device, a global positioning device which determines a position or location of the shipment conveyance device, a processing device which processes information regarding the shipment conveyance device in response to an occurrence of an event or a request for information and which generates a message containing information regarding the position or location of the shipment conveyance device and information regarding the occurrence of an event, a status of a shipment or transportation involving the shipment conveyance device, a temperature, or an impact or force on the shipment conveyance device, and a transmitter located in, on, or at, the shipment conveyance device which transmits the message to a communication device. *See* Abstract, '029 Patent.
19. The '109 Patent relates generally to an apparatus, including a shipment conveyance device, wherein the shipment conveyance device is a shipping container, pallet, or piece of luggage;

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