

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TRANSCEND SHIPPING SYSTEMS, LLC,
Plaintiff,

v.

**CMA CGM (AMERICA) LLC AND
CMA CGM S.A.,**
Defendants.

Case No. 6:21-cv-0018

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Transcend Shipping Systems, LLC (“Transcend”) hereby files this Original Complaint for Patent Infringement against CMA CGM S.A. and CGM CGA (America) LLC, (collectively “Defendants”), 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, CMA CGM S.A. is a limited liability company organized and existing under the laws of France with its principal office at 4, quai d’Arenc 13235 Marseille cedex 02 France.
3. Upon information and belief, CMA CGM (America) is a limited liability company organized and existing under the laws of the State of New Jersey with its principal office at 5701 Lake Wright Drive, Norfolk, Virginia 23502. Upon information and belief, CMA CGM (America) LLC also maintains an office in Texas at 15350 Vickery Drive, Houston, Texas 77032.

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 Defendants because they are present within or have minimum contacts within the State of Texas, including the Western District of Texas.
6. Defendants have sought protection and benefit from the laws of the State of Texas; Defendants regularly conduct business within the State of Texas and within the Western District of Texas; and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas and in the Western District of Texas (*See* Figure 1 below).

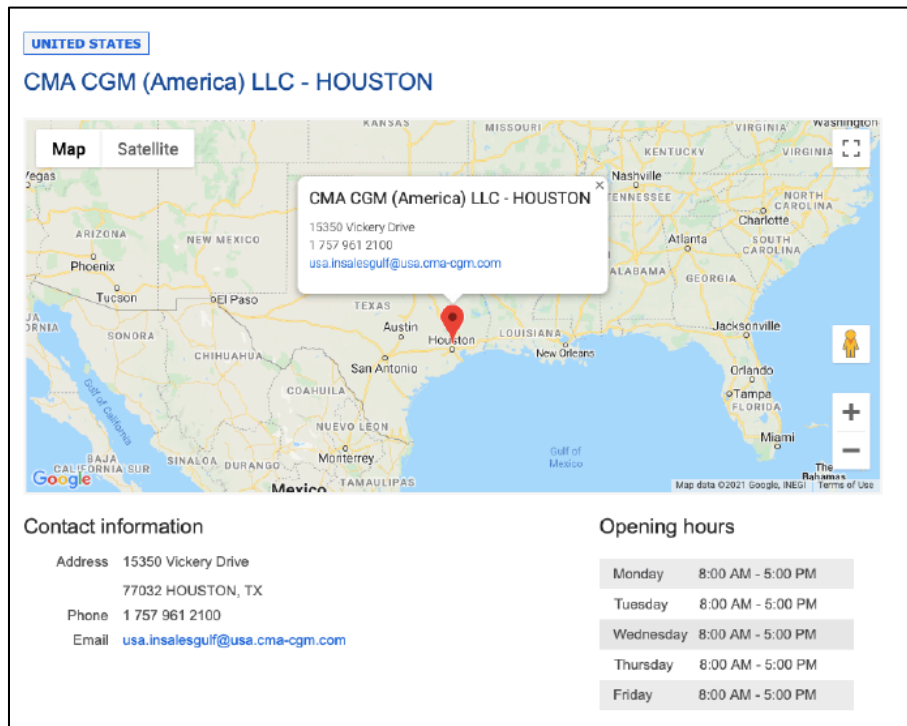


Figure 1¹

¹ Source, as visited on January 6, 2021: <https://www.cma-cgm.com/local/united-states/agency/762/cma-cgm-america-llc-houston?brand=cmacgm&fullName=False>

7. More specifically, Defendants, 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 Western District of Texas including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendants have committed patent infringement in the State of Texas and in the Western District of Texas. Defendants solicit and have solicited customers in the State of Texas and in the Western District of Texas. Defendants have paying customers, who are residents of the State of Texas and the Western District of Texas, who each use and have used the Defendants' products and services in the State of Texas and in the Western District of Texas.
8. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).
9. Venue is also proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c)(3) because Defendant CMA CGM S.A. is not a resident of the United States and therefore may be sued in any judicial district.

PATENTS-IN-SUIT

10. 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").
11. The Transcend Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
12. The Transcend Patents each include numerous claims defining distinct inventions.

13. 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.
14. Plaintiff alleges infringement on the part of Defendants of each of the Transcend Patents.
15. 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.
16. 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.

17. 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.
18. 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; a receiver; a global positioning device which is located in, on, or at, the shipment conveyance device and which determines a position or location of the shipment conveyance device; a processor which generates a message in response to an occurrence of an event or in response

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