

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

TRANSCEND SHIPPING SYSTEMS, LLC,
Plaintiff,

v.

**MEDITERRANEAN SHIPPING
COMPANY S.A.,**
Defendant.

Case No. 6:21-cv-0040

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Transcend Shipping Systems, LLC (“Transcend”) hereby files this Original Complaint for Patent Infringement against Mediterranean Shipping Company S.A. (“MSC”), 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, Mediterranean Shipping Company S.A. is a limited liability company organized and existing under the laws of Switzerland with its principal office at Chemin Rieu 12-14, 1208 Geneva Switzerland.
3. Upon information and belief, Mediterranean Shipping Company (USA) Inc. is a corporation organized and existing under the laws of the State of New York with its principal office at 420 5th Avenue, 8th Floor, New York, New York 10018-2702. Upon information and belief,

Mediterranean Shipping Company (USA) Inc. also maintains an office in Texas at 4700 W Sam Houston Parkway N., Suite 250, Houston, Texas 77041.

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 MSC because they are present within or have minimum contacts within the State of Texas, including the Western District of Texas.
6. MSC has sought protection and benefit from the laws of the State of Texas; MSC regularly conduct business within the State of Texas and within the Western District of Texas; and Plaintiff's cause of action arises directly from MSC's business contacts and other activities in the State of Texas and in the Western District of Texas.

More specifically, MSC, 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, MSC has committed patent infringement in the State of Texas and in the Western District of Texas. MSC solicits and has solicited customers in the State of Texas and in the Western District of Texas. MSC has paying customers, who are residents of the State of Texas and the Western District of Texas, who each use and have used the MSC's products and services in the State of Texas and in the Western District of Texas.

7. As an example, Mediterranean Shipping Company (USA) Inc. ("MSC USA"), which is affiliated with MSC, is a corporation organized and existing under the laws of the State of New York with its principal office at 420 5th Avenue, 8th Floor, New York, New York

10018-2702. MSC USA also maintains an office in Texas at 4700 W Sam Houston Parkway N., Suite 250, Houston, Texas 77041. (See Figure 1A below).

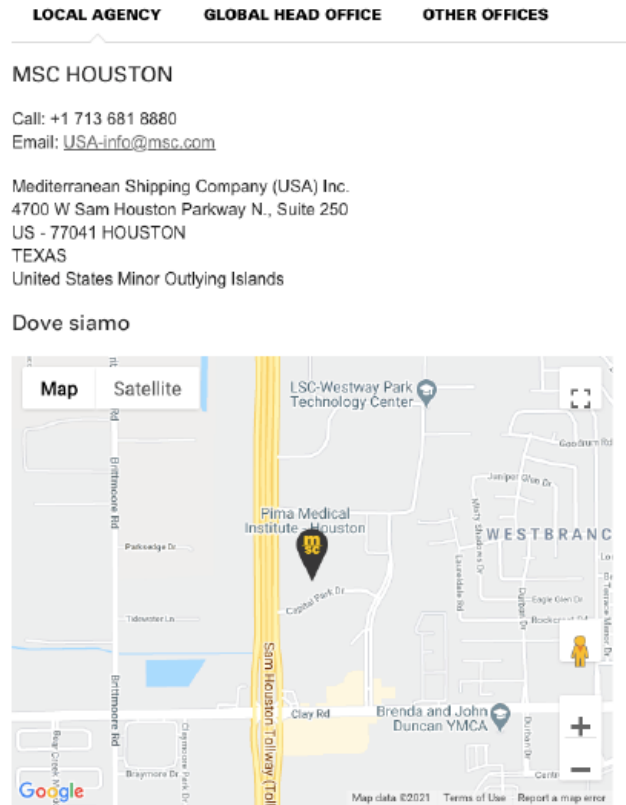


Figure 1A¹

- MSC indicates on its website that “[MSC USA] . . . with offices in . . . Houston, TX . . . is General Agent in U.S.A. for [MSC]” and that “MSC USA is authorized to accept service of legal proceedings issued against [MSC].” (See Figure 1B below).

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

Home / Carrier Terms & Conditions / MSC United States Terms & Conditions

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MSC UNITED STATES TERMS & CONDITIONS

REQUEST A QUOTE

Mediterranean Shipping Company (USA) Inc

MEDITERRANEAN SHIPPING COMPANY (USA) INC., herein after referred to as 'MSC USA', with its head office located at 420, 5th Avenue (at 37th Street) – 8th Floor, New York, N.Y. 10018-2702, and with offices in Atlanta, GA; Baltimore, MD; Boston, MA; Charleston, S.C; Charlotte, NC; Chicago, IL; Cleveland, OH; Costa Mesa, CA; Detroit, MI; **Houston, TX**; Miami, FL; New Orleans, LA; Norfolk, VA; Warren, NJ is General Agent in U.S.A. for **MSC MEDITERRANEAN SHIPPING COMPANY S.A.** with its registered office at 12-14 Chemin Rieu, 1208 Geneva, Switzerland, herein after referred to as "MSC".

MSC USA is authorized to accept service of legal proceedings issued against MSC Mediterranean Shipping Company S.A. Geneva. MSC USA's authority in respect of such legal proceedings is limited to the acceptance of service only.

For Savannah, GA; Jacksonville, FL; New Jersey, Philadelphia, PA; Puerto Rico, San Francisco and Hamilton, Bermuda attorneys have been appointed to accept service of legal proceedings against MSC Mediterranean Shipping Company S.A. Geneva.
Please contact MSC USA New York office for attorneys' contact details.

Any and all cargo booked by MSC USA is for and on behalf of MSC Mediterranean Shipping Company S.A., Geneva.

DOCUMENTS

- Import Export requirements
- Hazardous waste
- Hazardous waste regulation 1
- Hazardous waste regulation 2
- LOI transport of waste to or through EU
- LOI transport of waste scrap ex US
- Uniform Intermodal Interchange and Facilities Access Agreement.pdf
- Addendum to Uniform Intermodal Interchange and Facilities Access Agreement
- Road Weight Limitations USA

Figure 1B²

9. MSC also states in its website that “[a]ny and all cargo booked by MSC USA [including cargo booked by its office in Houston, TX] is for and on behalf of [MSC].” (See Figure 1 above).
10. Upon information and belief, the registered agent for MSC USA in Texas is Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3136.
11. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).
12. Venue is also proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c)(3) because Defendant Mediterranean Shipping Company S.A. is not a resident of the United States and therefore may be sued in any judicial district.

² Source, as visited on January 15, 2021: <https://www.msc.com/usa/contract-of-carriage/agency-terms-conditions?lang=en-gb>

PATENTS-IN-SUIT

13. 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”).
14. The Transcend Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
15. The Transcend Patents each include numerous claims defining distinct inventions.
16. 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.
17. Plaintiff alleges infringement on the part of MSC of each of the Transcend Patents.
18. 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

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