



## Information from Benesch's Transportation & Logistics and Intellectual Property Practice Groups

### PJC LOGISTICS, LLC PATENT LITIGATION UPDATE

As we discussed at the 2011 ATA Leadership Meeting, Qualcomm, Inc. petitioned for the creation of a Multidistrict Litigation proceeding (an "MDL"). On September 6, 2011, the United States Judicial Panel on Multidistrict Litigation entered a Transfer Order requiring the centralization of the pretrial proceedings of all PJC Logistics, LLC cases into an MDL. The full list of cases included in the MDL are as follows:

District of Delaware

*PJC Logistics, LLC v. A. Duie Pyle Inc., et al.*, C.A. No. 1:11-00231

Middle District of Florida

*PJC Logistics, LLC v. AAA Cooper Transportation, Inc. et al.*, C.A. No. 3:11-00301

Northern District of Illinois

*PJC Logistics, LLC v. A&R Logistics, Inc., et al.*, C.A. No. 1:11-01983

District of Minnesota

*PJC Logistics, LLC v. Anderson Trucking Service, Inc., et al.*, C.A. No. 0:11-00675

*Qualcomm Inc. v. PJC Logistics, LLC*, C.A. No. 0:11-00865

*Xata Corp. v. PJC Logistics, LLC*, C.A. No. 0:11-00871

District of Nevada

*PJC Logistics, LLC v. Act Transportation, et al.*, C.A. No. 2:11-00418

District of Oregon

*PJC Logistics, LLC v. Doug Andrus Distributing LLC, et al.*, C.A. No. 3:11-00337

Eastern District of Texas

*PJC Logistics, LLC v. Acme Truck Line, Inc., et al.*, C.A. No. 6:11-00125

Northern District of Texas

*PJC Logistics, LLC v. ABE Freight Systems Inc., et al.*, C.A. No. 3:11-00548

Eastern District of Virginia

*PJC Logistics, LLC v. Averitt Express, Inc., et al.*, C.A. No. 1:11-00279

Now that an MDL has been established, the Honorable Donovan W. Frank in the District of Minnesota will preside over all pretrial proceedings associated with the PJC Logistics, LLC patent litigation. The case caption in the District of Minnesota is as follows: In re: Vehicle Tracking and Security System ('844) Patent Litigation, 0:11-MD-02249. President Bill Clinton appointed Judge Frank to the Federal bench in 1998. Judge Frank has never been in the private practice of law, having become a judge after serving as a prosecutor. Judge Frank will determine all issues relating to discovery, motion practice, formal settlement attempts, and all other related issues associated with the PJC Logistics, LLC cases. If the lawsuits are not resolved in the District of Minnesota, they will be referred back to their respective United States District Courts for trial.

The District of Minnesota has yet to schedule any dates applicable to this litigation as it only recently received the referral. It can be expected, however, that there will be rapid developments as the Court will attempt to advance these cases in

an expeditious fashion. Issues such as the pace of the litigation, the susceptibility of the lawsuits to dispute resolution, and other tactical considerations may not be the same for all of the PJC Logistics, LLC defendants.

Coordinated defenses can trim the costs associated with litigation, but ignore the unique characteristics inherent to your business. For instance, Judge Frank will certainly ask for input from the parties regarding the discovery timetable that will govern the pace of the litigation. Likewise, the settlement motivation, preference, and willingness will not be uniform among all defendants. It is important that your voice be heard regarding these issues.

---

### **Additional Information**

As this matter continues to take time away from your business, please feel free to contact any of the following attorneys to discuss any questions or concerns that you have:

**Steven M. Auvil** at 216.363.4686 or [sauvil@beneschlaw.com](mailto:sauvil@beneschlaw.com)

**Matthew D. Gurbach** at 216.363.4413 or [mgurbach@beneschlaw.com](mailto:mgurbach@beneschlaw.com)

**Eric L. Zalud** at 216.363.4178 or [ezalud@beneschlaw.com](mailto:ezalud@beneschlaw.com)

[www.beneschlaw.com](http://www.beneschlaw.com)

*As a reminder, this Advisory is being sent to draw your attention to issues and is not to replace legal counseling.*

UNITED STATES TREASURY DEPARTMENT CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT, UNLESS EXPRESSLY STATED OTHERWISE, ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (i) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (ii) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN.