

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREIGHTQUOTE.COM, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 346
)	
AIR OCEAN LAND SOLUTIONS, INC.,)	
etc., et al.,)	
)	
Defendants.)	

MEMORANDUM

This action, sounding in asserted trademark infringement and also advancing a number of other theories for recovery, has been filed by Freightquote.com, Inc. ("Freightquote") against three defendants--a corporation, a limited liability company and an individual--and assigned to this Court's calendar. Although this Court has asked its minute clerk to issue its usual initial scheduling order, it would be remiss if it failed to question the problematic siting of the lawsuit in this judicial district.

Not one of the parties is Illinois based: Freightquote's dual corporate citizenship is in Delaware (its place of incorporation) and Kansas (the location of its principal place of business); both facets of the corporate defendant's citizenship are North-Carolina based; the limited liability company¹ was formed in Texas and has its principal place of business there;

¹ Because this action does not rely on diversity of citizenship as a fount of jurisdiction, the undisclosed citizenship of the limited liability company's members is not critical.

and the individual defendant lives and does business in North Carolina. Thus Freightquote asserts personal jurisdiction over the defendants (and presumably relies for venue purposes) on Complaint ¶10:

The Court has personal jurisdiction over each of the Defendants because, among other things, they each transact business in this District, at least by offering to sell, selling and/or advertising freight shipping and management services through the Internet in such a way as to reach customers in Illinois and this judicial district. Personal jurisdiction also exists because each of the Defendants has committed acts of infringement in Illinois and this judicial district from which this cause of action arose.

In candor, Freightquote's sole reliance on asserted infringement in this judicial district via internet websites (Complaint ¶¶17, 19 and 21) smacks of forum shopping. This should not of course be viewed as a ruling (hence the issuance of this as a memorandum rather than as an order), but rather as an expression of concern as to whether the selection of the Northern District of Illinois--the home of Freightquote's law firm, experienced practitioners in this area of intellectual property--should be honored. It is expected that the parties will be prepared to address that issue at or before the date to be scheduled for the initial status hearing.



Milton I. Shadur
Senior United States District Judge

Date: January 26, 2009