

Northwest Airlines, Inc. (hereinafter “Northwest”) may be served with the summons and complaint by service upon Richard H. Anderson, Chief Executive Officer.

4. Plaintiff Arrival Star is the owner of all right, title and interest to multiple U.S. Patents in the general field of advanced notification and vehicular route optimization systems, including U.S. Patent Nos. 6,486,801; 6,510,383; 6,492,912; 6,415,207, 6,411,891; 6,363,323; 6,317,060; 6,313,760; 6,278,936; 5,657,010; 5,623,260; 5,400,020; 6,618,668; 6,683,542; 6,700,507; 6,714,859; 6,741,927; 6,748,318 and 6,748,320 (the ‘801; ‘383; ‘912; ‘207; ‘891; ‘323’; ‘060; ‘760; ‘936; ‘010; ‘260; ‘020; ‘668; ‘542; ‘507; ‘859; ‘927; ‘318 and ‘320 patents, respectively), including the right to recover for past infringement thereof. The patents specifically identified by number collectively referred to herein as “the Arrival Star Patents,” and a copy of each is attached as Exhibits A-S, respectively.

JURISDICTION AND VENUE

5. This action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285.

6. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 1338(a).

7. This court has personal jurisdiction over the parties pursuant to Fed. R. Civ. P. 4(k)(1)(A). Frontier Airlines is engaged in the transaction of business in Minnesota, including providing the technology and services that are accused of infringing the Arrival Star patents in this case in this judicial district and elsewhere. Northwest Airlines, Inc. is engaged in the transaction of business in Minnesota, including providing the technology

and services that are accused of infringing the Arrival Star patents in this case in this judicial district and elsewhere.

8. Venue lies in this district pursuant to 28 U.S.C. § 1391(b) and 1391(c) because acts and omissions in this judicial district give rise to the causes of action at issue herein, and because the Defendants may be found in this district and are subject to this Court's exercise of personal jurisdiction over them.

BACKGROUND REGARDING ADVANCED NOTIFICATION SYSTEMS

9. The ArrivalStar patents are the inventions of Martin Kelly Jones, who has spent the last seventeen years conceiving, developing, studying and improving automation of vehicle communication services, including arrival notifications to individual persons. He has dedicated his working life to the exploration and pursuit of novel, cutting-edge technologies and processes in this field, and has been recognized for his inventive contributions by the United States Patent and Trademark Office, which has granted numerous patents to him and his assignees in his chosen field. Mr. Jones is presently the Chief Executive Officer of Arrival Star.

10. Among other things, advanced notification systems may allow advance preparation and scheduling, by informing persons, in advance and with substantial accuracy, of the expected arrival time of a mobile vehicle (for example but not limited to, a bus, truck, train, ship, plane, aircraft, etc.) at a particular location, such as a stop along a predefined route or a destination. Briefly, a user may, for example, define a preset notification time period when the user is to receive a notification message prior to arrival of a vehicle at a vehicle stop to thereby indicate impending arrival of the vehicle at the vehicle stop.

11. Yet another example of the application of advance notification technologies such as those invented by Mr. Jones involves the commercial shipment or package delivery industry, wherein shipments and packages are tracked by automated systems and are to be delivered on tight schedules. Customers oftentimes wait on delivery of important time-critical packages or shipments, not knowing precisely when the delivery will occur, or where the package is in the customer's supply chain. An advance notification system can inform a customer of the expected time of a delivery, or the location of a delivery or shipment on a vehicle on its delivery route.

12. Delivery vehicles often travel predetermined routes in making deliveries and/or pick-ups. Advance notification systems may feature route optimization to allow for a delivery system in which the route of the delivery vehicle (including the order that the vehicle arrives at particular destinations) to be selected such that the routes are convenient to the users that are waiting to meet the vehicle for delivery and/or pick-up.

13. In another example, package delivery vehicles often carry shipments or packages to certain destinations. The route of a package delivery vehicle is often determined based on the packages that are to be delivered by the vehicle while traveling the route. In this regard, each of the packages is scheduled to arrive at a particular destination, and the order that packages are delivered is usually selected to minimize the amount of time and/or distance required for the vehicle to travel its route. However, the selected order is not necessarily convenient for each recipient that is to receive delivery of at least one of the packages. For example, due to the order of delivery selected, the vehicle may be scheduled to deliver one of the packages between 1:00 p.m. and 2:00 p.m. The recipient of this package may not be available to receive delivery during this time period.

Therefore, the package is usually either left unattended at the place of delivery or is not delivered. When the package is not delivered, a later delivery attempt (often the next day) is attempted. Route optimization is a delivery system that allows the route of the delivery vehicle (including the order that the vehicle arrives at particular destinations) to be selected such that the routes are convenient to the users that are to meet the vehicle for delivery and/or pick-up.

14. A route optimization method such as described above may be broadly conceptualized in the following steps: storing data, the data defining an order that a mobile vehicle is expected to arrive at a plurality of destinations; receiving a request for the vehicle to arrive at one of the destinations during a particular time period; analyzing the data in response to the request; determining whether to accept the request based on the analyzing step; modifying the order in response to a determination in the determining step to accept the request; rendering the data; and indicating the modified order via the rendering step. In architecture, one embodiment of a vehicular route optimization system may utilize memory, a first communications device, and a data manager. The memory may store data indicating an order that a mobile vehicle is expected to arrive at a plurality of destinations. The first communications device may receive a request transmitted from a remote communications device, and the data manager, in response to the request, may define a new order that the mobile vehicle is expected to arrive at the plurality of destinations. The data manager may also identify one of the destinations and a particular time period based on the request and determines whether the vehicle is expected to arrive at the one destination during the particular time period, if the vehicle travels a route based on the new order. If a vehicle is expected to arrive at the one destination during the

particular time period when the vehicle travels the route based on the new order, the data manager may update the data such that the data manager can indicate the new order. The updated data can then be displayed to a driver of the vehicle, who follows the route based on the new order.

FRONTIER

15. Upon information and belief, Frontier is an affordable fare airline that provides service to 42 cities, 37 U.S. cities and five Mexico cities, from its Denver hub. The airline is the second largest jet carrier of Denver International Airport with an average of 200 daily system-wide departures and arrivals. Its routes include non-stop service to Minneapolis-St. Paul.

16. Upon information and belief, Frontier's "Flight Status Paging" system sends arrival or departure flight times to a user or customer's text enabled mobile phone, alphanumeric pager, Palm Pilot™, or e-mail inbox.

17. Upon information and belief, Frontier's "Flight Status" system allows users to track a flight by flight number, or by city and arrival/departure times.

NORTHWEST AIRLINES

18. Upon information and belief, Northwest Airlines is the world's fourth largest airline. Together with their global travel partners, they serve almost 750 destinations in nearly 120 countries on 6 continents

19. Upon information and belief, Northwest Airlines has customized its website for handheld computers and wireless browsers. Most WAP phones (or Wireless Application Protocol-enabled cell phones), Personal Digital Assistants (PDA) such as PalmPilots™ and other wireless devices can easily view a condensed version of nwa.com.

20. Upon information and belief, with Flight Status Notification, users can request a flight status email message to be sent to an email inbox, alpha numeric pager or mobile phone prior to departure or arrival time.

21. Upon information and belief, this message can be sent at the user's desired number of hours in advance of the flight that the user would like to be notified.

22. Upon information and belief, with My NWA Flight Departure & Gate Status, users can have information sent to them between 1 and 4 hours prior to scheduled departure time.

23. Upon information and belief, these messages include estimated arrival time. Updates to these messages are sent within specified time parameters if the vehicles are off-schedule.

COUNT I – PATENT INFRINGEMENT

24. ArrivalStar incorporates by reference the allegations of paragraphs 1-56 of this Complaint as if restated in full herein.

25. Frontier's Flight Status paging system infringes at least the '801 patent, the '891 patent, the '323 patent, the '060 patent, the '760 patent, the '542 patent, the '912 patent, '859 patent, the '318 patent and the '320 patent.

26. Northwest's Flight Status Notification and My NWA Flight Departure & Gate Status each infringe at least the '323 patent, the '542 patent, the '060 patent, the '859 patent, the '891 patent, the '801 patent, the '912 patent, the '760 patent, the '260 patent, the '927 patent, the '318 patent and the '320 patent.

27. Arrival Star has been damaged as a result of the infringing products of Frontier and Northwest and will continue to be damaged unless such activities are enjoined by this Court.

28. As a result of these acts of patent infringement, Arrival Star is entitled to recover damages, including but not limited to a reasonable royalty.

COUNT II – WILLFUL PATENT INFRINGEMENT

29. Arrival Star incorporates by reference the allegations of paragraphs 1-66 of this Complaint as if restated in full herein.

30. Arrival Star provided written notice of a charge of infringement to each Defendant prior to instituting this case.

31. Upon information and belief, since receiving the written notice of a charge of infringement, Frontier and Northwest have continued to offer the accused technologies and services for sale or license, have continued to use the accused technologies and services, have continued to encourage others to do the same, and have continued to provide technology support and services to facilitate infringement of the Arrival Star patents by others. The Defendants have not taken reasonable actions to avoid infringement of the Arrival Star patents.

32. Thus, Frontier and Northwest's actions are willfully in derogation of Arrival Star's patent rights.

33. As such, Arrival Star's damages in this case should be trebled, and this case should be deemed exceptional under Section 285 of Title 35, United States Code.

PRAYER FOR RELIEF

WHEREFORE, Arrival Star prays for trial by jury, judgment and relief after entry of final verdict, including: (a) a declaration that the Defendants have infringed the Arrival Star patents-in-suit; (b) an injunction against Defendants' continued infringement of the Arrival Star patents-in-suit pursuant to 35 U.S.C. § 283; (c) an award of damages resulting from Defendants' acts of patent infringement; (d) an assessment of interest on the damage so computed; (e) a trebling of such damages; (f) a declaration that this case is exceptional pursuant to 35 U.S.C. § 285, and an award of Arrival Star's attorney's fees and costs incurred; and (g) such other and further relief as this Court deems just and appropriate.

DEMAND FOR JURY TRIAL

Plaintiff herein demands that all issues, so triable, be tried by jury.

Respectfully submitted,

ARRIVAL STAR, INC.,

By its attorneys,

Date: September 21, 2004

s/Karen D. McDaniel
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