

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. _____

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiffs,

vs.

DEMAND FOR JURY TRIAL

CELADON DEDICATED SERVICES, a
division of CELADON GROUP, INC.,
FLEXTRONICS GLOBAL SERVICES,
a division of FLEXTRONICS USA, INC.,
and THE NEIMAN-MARCUS GROUP,
INC., d/b/a NEIMAN MARCUS,

Defendants.

_____/

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, ArrivalStar S.A. and Melvino Technologies Limited (collectively "Plaintiffs"),
by and through their undersigned counsel, as and for their Complaint for Patent Infringement
against the above-named Defendants, hereby allege as follows:

NATURE OF THE LAWSUIT

1. This is an action for patent infringement of United States Patent Numbers:
6,714,859; 6,748,320; 6,952,645; 7,030,781; 7,400,970; 6,904,359; 6,317,060; 6,486,801; and,
6,411,891, arising under the patent laws of the United States, Title 35 of the United States Code.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331; 28 U.S.C.
§ 1338; and 35 U.S.C. § 271.

3. This Court has personal jurisdiction over each Defendant pursuant to, *inter alia*, Florida's long-arm statute, § 48.193, in that each Defendant: (a) operates, conducts, engages in, and/or carries on a business or business adventure(s) in Florida and/or has an office or agency in Florida; (b) has committed one or more tortious acts within Florida; (c) was and/or is engaged in substantial and not isolated activity within Florida; and/or (d) has purposely availed itself of Florida's laws, services and/or other benefits and therefore should reasonably anticipate being haled into one or more of the courts within the State of Florida.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400.

THE PLAINTIFFS

5. ArrivalStar S.A. is a corporation organized under the laws of Luxembourg, having offices located at 67 Rue Michel, Welter L-2730, Luxembourg. ArrivalStar is the authorized licensee of the patents alleged as being infringed in this lawsuit, with the right to sub-license the patents at issue.

6. Melvino Technologies Limited is a corporation organized under the laws of the British Virgin Islands of Tortola, having offices located at P.O. Box 3174, Palm Chambers, 197 Main Street, Road Town, Tortola, British Virgin Islands. Melvino owns all rights, title and interests in the patents alleged as being infringed in this lawsuit.

THE PLAINTIFFS' PATENTS

7. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,714,859 ("the '859 patent"), entitled "System and Method for an Advance Notification System for Monitoring and Reporting Proximity of a Vehicle", issued March 30, 2004. A copy of the '859 patent is attached hereto as Exhibit 1.

8. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,748,320 (“the ‘320 patent”), entitled “Advance Notification Systems and Methods Utilizing a Computer Network”, issued June 8, 2004. A copy of the ‘320 patent is attached hereto as Exhibit 2.

9. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,952,645 (“the ‘645 patent”), entitled “System and Method for Activation of an Advance Notification System for Monitoring and Reporting Status of Vehicle Travel”, issued October 4, 2005. A copy of the ‘645 patent is attached hereto as Exhibit 3.

10. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 7,030,781 (“the ‘781 patent”), entitled “Notification System and Method that Informs a Party of Vehicle Delay”, issued April 18, 2006. A copy of the ‘781 patent is attached hereto as Exhibit 4.

11. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 7,400,970 (“the ‘970 patent”), entitled “System and Method for an Advance Notification System for Monitoring and Reporting Proximity of a Vehicle”, issued July 15, 2008. A copy of the ‘970 patent is attached hereto as Exhibit 5.

12. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,904,359 (“the ‘359 patent”), entitled “Notification System and Methods with User-Defineable Notifications Based Upon Occurrence of Events”, issued June 7, 2005. A copy of the ‘359 patent is attached hereto as Exhibit 6.

13. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,317,060 (“the ‘060 patent”), entitled “Base

Station System and Method for Monitoring Travel of Mobile Vehicles and Communicating Notification Messages”, issued November 13, 2001. A copy of the ‘060 patent is attached hereto as Exhibit 7.

14. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,486,801 (“the ‘801 patent”), entitled “Base Station Apparatus and Method for Monitoring Travel of a Mobile Vehicle”, issued November 26, 2002. A copy of the ‘801 patent is attached hereto as Exhibit 8.

15. Plaintiffs own all right, title and interest in, and/or have standing to sue for infringement of United States Patent Number 6,411,891 (“the ‘891 patent”), entitled “Advance Notification System and Method Utilizing User-Definable Notification Time Periods”, issued June 25, 2002. A copy of the ‘891 patent is attached hereto as Exhibit 9.

THE DEFENDANTS

16. Defendant Celadon Dedicated Services, a division of Celadon Group, Inc. (“Celadon”) is a Delaware Corporation with a principal place of business located at One Celadon Drive, 9503 E. 33rd Street, Indianapolis, Indiana 46235. Celadon was authorized to transact business in Florida, had an office in Fort Meyers, Florida, and had a Registered Agent in Fort Meyers, Florida, but had such authority revoked for failing to file its annual report as required. Further, Celadon transacts business and has, at a minimum, offered to provide and/or has provided in this Judicial District and throughout the State of Florida services that infringe claims of the ‘859, ‘320, ‘645, ‘359, ‘891, ‘060, ‘781, ‘801 and ‘970 patents. Celadon’s customers in Florida (and within this Judicial District) who receive infringing services from Celadon include, but are certainly not limited to, Wal-Mart, Target, General Electric and DaimlerChrysler. In addition, Celadon has locations and employees in Tampa/Saint Petersburg, and has, and

currently is, hiring and actively soliciting more employees in Fort Pierce, Daytona Beach, Fort Meyers, Clearwater, Saint Augustine, Ocala and Florida City. Finally, on Celadon's website there is a specific customer service email and phone number for Florida customers; and, on February 16, 2011 the Celadon Group management team was in Key Biscayne, Florida promoting their infringing services at the 2010 Stifel Nicolaus Transportation & Logistics Conference at The Ritz-Carlton and on February 17, 2011 at the same conference but at The Biltmore Hotel in Coral Gables, Florida.

17. Defendant Flextronics Global Services, a division of Flextronics USA, Inc. ("Flextronics") is a Delaware Corporation with a principal place of business located at 305 Interlocken Parkway, Broomfield, Colorado 80021. Flextronics transacts business and has, at a minimum, offered to provide and/or has provided in this Judicial District and throughout the State of Florida services that infringe claims of the '359, '320, '645, '801, '859, '060, '781, '891 and '970 patents. Flextronics is authorized to transact business in the State of Florida and within this Judicial District. Its Registered Agent is located in Plantation, Florida.

18. Defendant The Neiman-Marcus Group, Inc., d/b/a Neiman Marcus ("Neiman Marcus") is a Delaware Corporation with a principal place of business located at 1201 Elm Street, Suite 2900, Dallas, Texas 75270. Neiman Marcus is authorized to transact business in Florida and has a Registered Agent in Plantation, Florida. Further, Neiman Marcus also has offices and stores throughout the State of Florida including within this Judicial District specifically located in Boca Raton, Palm Beach County, Florida; Palm Beach, Palm Beach County, Florida; Miami, Miami-Dade County, Florida; and, Coral Gables, Miami-Dade County, Florida. Finally, Neiman Marcus transacts business and has, at a minimum, offered to provide

and/or has provided in this Judicial District and throughout the State of Florida services that infringe claims of the '359, '320, '970 and '645 patents.

COUNT I – CELADON
DIRECT PATENT INFRINGEMENT

19. Plaintiffs hereby incorporate Paragraphs 1 through 18 set forth above as if fully set forth herein.

20. Pursuant to 35 U.S.C. § 271, Celadon has infringed claims of the '859, '320, '645, '359, '060, '781, '801, '891 and '970 patents through, among other activities, the commercial sale, offer and/or use of its "Supply Chain Solutions", "Real-Time Tracking and Reporting", "Transportation Management", its "EDI 213 – Shipment Status Inquiry", "EDI 214 – Shipment Status Message", "EDI 858 – Advance Ship Notice" and "EDI – Text Message" programs/products/services/systems which utilize tracking and messaging technologies that are protected within the '859, '891, '320, '645, '359, '060, '781, '801 and '970 patents.

21. Celadon's direct infringement has injured and will continue to injure Plaintiffs unless and until a monetary judgment is entered in favor of Plaintiffs and/or the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '859, '320, '645, '359, '060, '781, '801, '891 and '970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Celadon and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Celadon, granting the following relief:

- A. An award of damages against Celadon adequate to compensate Plaintiffs for the infringement that has occurred with respect to Celadon, together with prejudgment interest from the date that Celadon's infringement of the patents at issue began;
- B. Increased damages as permitted pursuant to 35 U.S.C. § 284;
- C. A finding that this case is exceptional and award to Plaintiffs their attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction against Celadon prohibiting further infringement of the patents at issue; and,
- E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT II – CELADON
INDIRECT PATENT INFRINGEMENT

22. Plaintiffs hereby incorporate Paragraphs 1 through 21 set forth above as if fully set forth herein.

23. Pursuant to 35 U.S.C. § 271, Celadon has infringed claims of the '859, '320, '645, '359, '060, '781, '801, '891 and '970 patents through, among other activities, the commercial sale, offer and/or use of its "Supply Chain Solutions", "Real-Time Tracking and Reporting", "Transportation Management", its "EDI 213 – Shipment Status Inquiry", "EDI 214 – Shipment Status Message", "EDI 858 – Advance Ship Notice" and "EDI – Text Message" programs/products/services/systems which utilize tracking and messaging technologies that are protected within the '859, '320, '645, '359, '060, '781, '801, '891 and '970 patents.

24. Celadon's contributory infringement and/or inducement to infringe has injured and will continue to injure Plaintiffs unless and until a monetary judgment is entered in favor of Plaintiffs and/or the Court enters an injunction prohibiting further infringement and, specifically,

enjoining further use of methods and systems that come within the scope of the ‘859, ‘320, ‘645, ‘891, ‘359, ‘060, ‘781, ‘801 and ‘970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Celadon and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Celadon, granting the following relief:

A. An award of damages against Celadon adequate to compensate Plaintiffs for the infringement that has occurred with respect to Celadon, together with prejudgment interest from the date that Celadon’s infringement of the patents at issue began;

B. Increased damages as permitted pursuant to 35 U.S.C. § 284;

C. A finding that this case is exceptional and award to Plaintiffs their attorneys’ fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction against Celadon prohibiting further infringement of the patents at issue; and,

E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT III – FLEXTRONICS
DIRECT PATENT INFRINGEMENT

25. Plaintiffs hereby incorporate Paragraphs 1 through 18 set forth above as if fully set forth herein.

26. Pursuant to 35 U.S.C. § 271, Flextronics has infringed claims of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Automated Transmission of Transactions” including “ASN – Advance Shipment Notice”, “Exception Management”, “Integrated ASN”, “Track and Trace”, “Supply Chain Visibility”, “Web Tracking” and “Alerts [that] Proactively Manage Issues with

Notification E-Mails” programs/products/services/systems which include and use tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents.

27. Flextronics’s direct infringement has injured and will continue to injure Plaintiffs unless and until a monetary judgment is entered in favor of Plaintiffs and/or the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Flextronics and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Flextronics, granting the following relief:

- A. An award of damages against Flextronics adequate to compensate Plaintiffs for the infringement that has occurred with respect to Flextronics, together with prejudgment interest from the date that Flextronics’s infringement of the patents at issue began;
- B. Increased damages as permitted pursuant to 35 U.S.C. § 284;
- C. A finding that this case is exceptional and award to Plaintiffs their attorneys’ fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction against Flextronics prohibiting further infringement of the patents at issue; and,
- E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT IV – FLEXTRONICS
INDIRECT PATENT INFRINGEMENT

28. Plaintiffs hereby incorporate Paragraphs 1 through 18 and Paragraphs 25 through 27 set forth above as if fully set forth herein.

29. Pursuant to 35 U.S.C. § 271, Flextronics has infringed claims of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Automated Transmission of Transactions” including “ASN – Advance Shipment Notice”, “Exception Management”, “Integrated ASN”, “Track and Trace”, “Supply Chain Visibility”, “Web Tracking” and “Alerts [that] Proactively Manage Issues with Notification E-Mails” programs/products/services/systems which include and use tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents.

30. Flextronics’s contributory infringement and/or inducement to infringe has injured and will continue to injure Plaintiffs unless and until a monetary judgment is entered in favor of Plaintiffs and/or the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of ‘859, ‘320, ‘645, ‘781, ‘359, ‘060, ‘801, ‘891 and ‘970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Flextronics and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Flextronics granting the following relief:

A. An award of damages against Flextronics adequate to compensate Plaintiffs for the infringement that has occurred with respect to Flextronics, together with prejudgment interest from the date that Flextronics’s infringement of the patents at issue began;

- B. Increased damages as permitted pursuant to 35 U.S.C. § 284;
- C. A finding that this case is exceptional and award to Plaintiffs their attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction against Flextronics prohibiting further infringement of the patents at issue; and,
- E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT V – NEIMAN MARCUS
DIRECT PATENT INFRINGEMENT

31. Plaintiffs hereby incorporate Paragraphs 1 through 18 set forth above as if fully set forth herein.

32. Pursuant to 35 U.S.C. § 271, Neiman Marcus has infringed claims of the '359, '320, '645 and '970 patents through, among other activities, systems and methods, the use of tracking and messaging technologies within its "Advanced Shipment Notice" and "Email Shipment Confirmation" services that are protected by the '359, '320, '645 and '970 patents.

33. Neiman Marcus's direct infringement has injured and will continue to injure Plaintiffs until a monetary judgment is rendered in Plaintiffs' favor and/or unless and until the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '359, '320, '645 and '970 patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Neiman Marcus and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Neiman Marcus, granting the following relief:

- A. An award of damages against Neiman Marcus adequate to compensate Plaintiffs for the infringement that has occurred with respect to Neiman Marcus, together with

prejudgment interest from the date that Neiman Marcus's infringement of the patents at issue began;

B. Increased damages as permitted pursuant to 35 U.S.C. § 284;

C. A finding that this case is exceptional and award to Plaintiffs their attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction against Neiman Marcus prohibiting further infringement of the patents at issue; and,

E. All other relief as the Court or a jury may deem proper and just in this instance.

COUNT VI – NEIMAN MARCUS
INDIRECT PATENT INFRINGEMENT

34. Plaintiffs hereby incorporate Paragraphs 1 through 18 and Paragraphs 31 through 33 set forth above as if fully set forth herein.

35. Pursuant to 35 U.S.C. § 271, Neiman Marcus has infringed claims of the '359, '320, '645, and '970 patents through, among other activities, systems and methods, the use of tracking and messaging technologies within its "Advanced Shipment Notice" and "Email Shipment Confirmation" services that are protected by the '359, '320, '645 and '970 patents.

36. Neiman Marcus's contributory infringement and/or inducement to infringe has injured and will continue to injure Plaintiffs until a monetary judgment is rendered in Plaintiffs' favor and/or unless and until the Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '359, '320, '645 and '970 patents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Neiman Marcus and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Neiman Marcus, granting the following relief:

A. An award of damages against Neiman Marcus adequate to compensate Plaintiffs for the infringement that has occurred with respect to Neiman Marcus, together with prejudgment interest from the date that Neiman Marcus's infringement of the patents at issue began;

B. Increased damages as permitted pursuant to 35 U.S.C. § 284;

C. A finding that this case is exceptional and award to Plaintiffs their attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction against Neiman Marcus prohibiting further infringement of the patents at issue; and,

E. All other relief as the Court or a jury may deem proper and just in this instance.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: April 20, 2011.

Respectfully submitted,

/s/ William R. McMahon
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