

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

ARRIVALSTAR S.A., and
MELVINO TECHNOLOGIES LIMITED, foreign corporations,

Plaintiffs,

v.

CARTASITE, INC., a Colorado corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiffs, ArrivalStar S.A. and Melvino Technologies Limited (collectively, “ArrivalStar” or “Plaintiffs”), by and through their undersigned attorneys, for their complaint against defendant Cartasite, Inc. (“Cartasite” or “Defendant”) hereby allege as follows:

NATURE OF LAWSUIT

1. This action involves claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

PARTIES

2. ArrivalStar S.A. is a corporation organized under the laws of Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

3. Melvino Technologies Limited is a corporation organized under the laws of the

British Virgin Island of Tortola, having offices at P.O. Box 3152, RG Hodge Building, Road Town, Tortola, British Virgin Islands.

4. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit A.

5. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 6,804,606 (“the ‘606 patent”), entitled “Notification systems and methods with user-definable notifications based upon vehicle proximities,” issued October 12, 2004. A copy of the ‘606 patent is annexed hereto as Exhibit B.

6. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 6,904,359 (“the ‘359 patent”), entitled “Notification systems and methods with user-definable notifications based upon occurrence of events,” issued June 7, 2005. A copy of the ‘359 patent is annexed hereto as Exhibit C. The ‘359 patent was the subject of an *Inter Partes* reexamination at the United States Patent and Trademark Office. A Reexamination Certificate was issued on May 25, 2010 and is annexed hereto as Exhibit D.

7. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit E.

8. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 7,191,058 (“the ‘058 patent”), entitled “Notification

systems and methods enabling user entry of notification trigger information based upon monitored mobile vehicle location,” issued March 13, 2007. A copy of the ‘058 patent is annexed hereto as Exhibit F.

9. Defendant Cartasite is a Colorado corporation with a place of business at 1123 Auraria Parkway, Suite 100, Denver, Colorado 80204. Cartasite transacts business and has offered to provide and/or provided in this judicial district and throughout the United States, including the State of Colorado services that infringe claims of the ‘859, ‘606, ‘359, ‘645, and ‘058 patents.

JURISDICTION & VENUE

10. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

FACTUAL ALLEGATIONS

11. Defendant Cartasite has directly infringed, contributed to or induced the infringement of claims of the ‘859, ‘606, ‘359, ‘645, and ‘058 patents through, among other activities, the use and offering the use to third parties of Cartasite’s worldVIEW tracking system.

12. Defendant Cartasite’s infringement has injured and will continue to injure ArrivalStar unless and until this Court enters an injunction prohibiting further infringement, whether directly or by contributing to or inducing infringement by third parties and, specifically, enjoining further use or offering the use to third parties of methods and systems that come within the scope of the ‘859, ‘606, ‘359, ‘645, and ‘058 patents.

FIRST CLAIM FOR DAMAGES

13. Plaintiff incorporates all prior allegations of Paragraphs 1-12.

14. Plaintiff has suffered and will suffer damages as a result of Defendant Cartasite's infringement, in an amount to be proven at trial, including such damages as may accrue between the filing of this Complaint until trial or the entry of injunctive relief as requested herein.

SECOND CLAIM FOR INJUNCTIVE RELIEF

15. Plaintiffs incorporate all prior allegations of Paragraph 1 through 14.

16. Plaintiff, in order to prevent future irreparable damages due to the infringement by Cartasite, it prays for injunctive relief as necessary to prevent any future infringement of Plaintiff's patents.

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

- A. An award of damages adequate to compensate ArrivalStar for the infringement that has occurred, together with prejudgment interest from the date that Defendant's infringement of the ArrivalStar patents began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to ArrivalStar of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the ArrivalStar patents; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

THE PLAINTIFFS REQUEST A JURY TRIAL AS TO ALL ISSUES.

Dated this 21st day of April, 2011.

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