

1 Martin L. Fineman (CA State Bar No. 104413)  
DAVIS WRIGHT TREMAINE LLP  
2 One Embarcadero Center, Suite 600  
San Francisco, California 94111  
3 Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
4 Email: [martinfineman@dwt.com](mailto:martinfineman@dwt.com)

ORIGINAL  
FILED

5 Matthew G. McAndrews (Pro Hac Vice Application Pending)  
Frederick C. Laney (Pro Hac Vice Application Pending)  
6 Robert A. Conley (Pro Hac Vice Application Pending)  
NIRO, SCAVONE, HALLER & NIRO  
7 181 W. Madison Street, Suite 4600  
Chicago, IL 60602  
8 Telephone: (312) 236-0733  
Facsimile: (312) 236-3137  
9 Email: [mmcandrews@nshn.com](mailto:mmcandrews@nshn.com)

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 Attorneys for Plaintiffs  
ARRIVALSTAR S.A. and MELVINO TECHNOLOGIES LIMITED

HRL

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 THE NORTHERN DISTRICT OF CALIFORNIA

C 06 4289

14 ARRIVALSTAR S.A. and MELVINO  
15 TECHNOLOGIES LIMITED,

) Case No.

16 Plaintiff,

) **COMPLAINT AND DEMAND FOR JURY TRIAL**

17 v.

18 APL LOGISTICS, INC.,

19 Defendant.

20  
21 **COMPLAINT**

22 Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, by and through their  
23 undersigned attorneys, for their Complaint against Defendant APL Logistics, Inc., hereby allege as  
24 follows:  
25  
26  
27  
28

DAVIS WRIGHT TREMAINE LLP

**NATURE OF LAWSUIT/JURISDICTION AND VENUE**

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

5 2. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

6 **THE PARTIES**

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

9  
10 4. Plaintiff Melvino Technologies Limited is a corporation organized under the laws  
11 of the British Virgin Island of Tortola, having a principal place of business at P.O. Box 3152, RG  
12 Hodge Building, Road Town, Tortola, British Virgin Islands.

13 5. Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively referred  
14 to herein as "ArrivalStar" or "Plaintiffs") own all right, title and interest in, and have standing to  
15 sue for infringement of United States Patent No. 6,748,318 ("the '318 patent"), entitled "Advanced  
16 Notification Systems and Methods Utilizing A Computer Network," issued June 8, 2004, and  
17 United States Patent No. 6,904,359 ("the '359 patent"), entitled "Notification Systems and  
18 Methods with User-Definable Notifications Based Upon Occurrence of Events," issued June 7,  
19 2005. A copy of the '318 and '359 patents are annexed hereto as Exhibits A and B, respectively.

20  
21 6. Upon information and belief, Defendant APL Logistics, Inc. ("APL" or  
22 "Defendant") is a Delaware corporation with a place of business at 1111 Broadway, Oakland,  
23 California 94607. APL transacts business and has provided to customers in this Judicial District  
24 and throughout the State of California services that infringe claims of the '318 and '359 patents.

25 **DEFENDANT'S ACTS OF PATENT INFRINGEMENT**

26  
27 7. APL has infringed claims of the '318 and '359 patents through, among other  
28 activities, the use of its "See Change" service, which, upon information and belief, is a shipment

DAVIS WRIGHT TREMAINE LLP

DAVIS WRIGHT TREMAINE LLP

1 tracking and status system. APL has also infringed the '318 and '359 patents by knowingly and  
2 actively inducing others to infringe, and by contributing to the infringement by others of, such  
3 patents.

4 8. APL's infringement, contributory infringement, and inducement to infringe has  
5 been willful and deliberate and has injured and will continue to injure ArrivalStar, unless and until  
6 this Court enters an injunction prohibiting further infringement and, specifically, enjoining further  
7 use of methods and systems that come within the scope of the ArrivalStar patents.  
8

9 **PRAYER FOR RELIEF**

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

- 13 1. An award of damages adequate to compensate ArrivalStar for the infringement that
- 14 has occurred, together with prejudgment interest from the date that Defendant's
- 15 infringement of the ArrivalStar patents began;
- 16 2.. Increased damages as permitted under 35 U.S.C. § 284;
- 17 3. A finding that this case is exceptional and an award to ArrivalStar of its attorneys'
- 18 fees and costs as provided by 35 U.S.C. § 285;
- 19 4. A permanent injunction prohibiting further infringement, inducement and
- 20 contributory infringement of the ArrivalStar patents; and
- 21 5. Such other and further relief as this Court or a jury may deem proper and just.
- 22
- 23

24 Dated: July 12, 2006

NIRO, SCAVONE, HALLER & NIRO  
DAVIS WRIGHT TREMAINE LLP

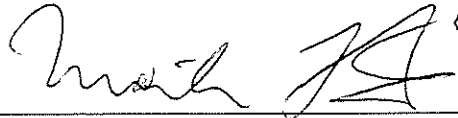
25 By: 

26 Martin L. Fineman  
27 Attorneys for Plaintiffs  
ARRIVALSTAR S.A. and  
28 MELVINO TECHNOLOGIES LIMITED

**JURY DEMAND**

1  
2 Plaintiffs ArrivalStar and Melvino Technologies Limited demand a trial by jury of all  
3 issues so triable.

4  
5 Dated: July 12, 2006

6 By: 

7 Martin L. Fineman  
8 DAVIS WRIGHT TREMAINE LLP  
9 One Embarcadero Center, Suite 600  
10 San Francisco, California 94111  
11 Phone: (415) 276-6500  
12 Facsimile: (415) 276-6599

13 Matthew G. McAndrews  
14 Frederick C. Laney  
15 Robert A. Conley  
16 NIRO, SCAVONE, HALLER & NIRO  
17 181 W. Madison Street, Suite 4600  
18 Chicago, IL 60602  
19 Phone: (312) 236-0733  
20 Facsimile: (312) 236-3137

21 Attorneys for Plaintiffs  
22 ARRIVALSTAR S.A. and MELVINO  
23 TECHNOLOGIES LIMITED  
24  
25  
26  
27  
28

DAVIS WRIGHT TREMAINE LLP