

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

Case No. \_\_\_\_\_

ARRIVALSTAR S.A. and MELVINO  
TECHNOLOGIES LIMITED,

Plaintiffs,

**DEMAND FOR JURY TRIAL**

vs.

MAGAYA CORPORATION,

Defendant.

\_\_\_\_\_ /

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively “Plaintiffs”), by and through their undersigned counsel, hereby sue Magaya Corporation (“Magaya”) for patent infringement, and in support, allege as follows:

**NATURE OF THE LAWSUIT**

1. This is an action for patent infringement of United States Patent Numbers: 6,748,320; 6,952,645; 7,030,781; and 6,411,891 arising under the patent laws of the United States, Title 35 of the United States Code.

**JURISDICTION, VENUE AND THE PARTIES**

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 Magaya because Magaya operates, conducts, engages in and carries on a business adventure in Florida; has an office and agency in Florida; and, has purposely availed itself of Florida’s laws, services and other benefits.

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 DEFENDANT**

7. Defendant Magaya is a Florida Corporation with a principal place of business located at 8725 NW 18<sup>th</sup> Terrace, Suite # 209, Doral, Florida 33172. Magaya also has a Registered Agent located in this Judicial District in Doral, Florida. Finally, as is apparent, Magaya transacts business and has, at a minimum, offered to provide and/or has provided to customers within this Judicial District and throughout the State of Florida services and/or products that infringe claims of the '320, '645, '781 and '891 patents.

**THE PLAINTIFFS' PATENTS**

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 1.

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 2.

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 3.

11. 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-Defineable Notification Time Periods”, issued June 25, 2002. A copy of the ‘891 patent is attached hereto as Exhibit 4.

**COUNT I – MAGAYA**  
**DIRECT PATENT INFRINGEMENT**

12. Plaintiffs hereby incorporate Paragraphs 1 through 11 set forth above as if fully set forth herein.

13. Pursuant to 35 U.S.C. § 271(a), Magaya has directly infringed claims of the ‘320, ‘645, ‘781 and ‘891 patents through, among other activities, the commercial manufacture, sale, offer for sale, and/or use of its “Supply Chain Solution”, “Cargo System”, “LiveTrack” and “WMS and Commerce System” applications, solutions, devices, programs, products, services, methods and/or systems which utilize tracking and messaging technologies that are protected within the ‘320, ‘645, ‘781 and ‘891 patents, as every claim limitation, or its equivalent, is found in these applications, solutions, devices, programs, products, services, methods and/or systems.

14. Magaya'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 '320, '645, '781 and '891 patents.

**REQUEST FOR RELIEF**

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

A. An award of damages against Magaya adequate to compensate Plaintiffs for the infringement that has occurred with respect to Magaya, together with prejudgment interest from the date that Magaya'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 Magaya 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 – MAGAYA  
INDIRECT PATENT INFRINGEMENT**

15. Plaintiffs hereby incorporate Paragraphs 1 through 14 set forth above as if fully set forth herein.

16. Pursuant to 35 U.S.C. §§ 271(b) and (c), Magaya has indirectly infringed claims of the '320, '645, '781 and '891 patents through, among other activities, the commercial manufacture, sale, offer for sale and/or use of its "Supply Chain Solution", "Cargo System",

“LiveTrack” and “WMS and Commerce System” applications, solutions, devices, programs, products, services, methods and/or systems which utilize tracking and messaging technologies that are protected within the ‘320, ‘645, ‘781 and ‘891 patents, as Magaya actively and intentionally induced infringement with knowledge that the induced acts constituted infringement, or acted with willful blindness; and/or contributed to infringement by one or more third parties as Magaya had knowledge, rather than intent, that its activity caused such infringement.

17. Magaya’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 ‘320, ‘645, ‘781 and ‘891 patents.

#### **REQUEST FOR RELIEF**

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- A. An award of damages against Magaya adequate to compensate Plaintiffs for the infringement that has occurred with respect to Magaya, together with prejudgment interest from the date that Magaya’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 Magaya 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: September 27, 2011.

Respectfully submitted,

/s/ William R. McMahon  
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