

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

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiffs,

CASE NO. _____

vs.

LUFTHANSA GERMAN AIRLINES,
CROWLEY MARITIME
CORPORATION, and POLO RALPH
LAUREN CORPORATION,

Defendants.

DEMAND FOR JURY TRIAL

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,
5,657,010, 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 hailed 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.

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 5,657,010 (“the ‘010 patent”), entitled “Advance Notification System and Method Utilizing Vehicle Progress Report Generator”, issued August 12, 1997. A copy of the ‘010 patent is attached hereto as Exhibit 9.

THE DEFENDANTS

16. Defendant Lufthansa German Airlines (“Lufthansa”) is a Foreign Corporation with a principal place of business in the United States located at 1640 Hempstead Turnpike, East Meadow, New York 11554. Lufthansa has locations and services customers throughout the State of Florida and within this Judicial District including specifically at the Miami International Airport, West Palm Beach International Airport and Fort Lauderdale International Airport. Further, Lufthansa 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, ‘060, ‘781, ‘801 and ‘970 patents.

17. Defendant Crowley Maritime Corporation (“Crowley”) is a Delaware Corporation with a principal place of business located in Florida at 9487 Regency Square Boulevard, Jacksonville, Florida 32225. Crowley also has offices located at 9950 NW 17th Street, Miami, Florida 33172; 1400 NW 79 Avenue, Miami, Florida 33126; and 700 NW 33rd Street, Suite

290, Pompano Beach, Florida 33064. Further, Crowley 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 and '970 patents.

18. Defendant Polo Ralph Lauren Corporation ("Polo") is a Delaware Corporation with a principal place of business located at 650 Madison Avenue, New York, New York 10022. Polo has offices and stores throughout the State of Florida including within this Judicial District located in Palm Beach, Florida; Miami, Florida; Fort Lauderdale, Florida; Boca Raton, Florida; and Aventura, Florida. Further, Polo 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 1 - LUFTHANSA
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, Lufthansa has infringed claims of the '859, '320, '645, '359, '060, '781, '801 and '970 patents through, among other activities, the commercial sale, offer and/or use of its flight tracking and status messaging "Information via SMS" text messaging services and its "eFlyServices on your mobile phone with "Webview" programs/products/services/systems which utilize tracking and messaging technologies that are protected within the '859, '320, '645, '359, '060, '781, '801 and '970 patents.

21. Lufthansa'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 and ‘970 patents.

PRAYER FOR RELIEF

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

A. An award of damages against Lufthansa adequate to compensate Plaintiffs for the infringement that has occurred with respect to Lufthansa, together with prejudgment interest from the date that Lufthansa’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 Lufthansa 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 2 - LUFTHANSA
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, Lufthansa has infringed claims of the ‘859, ‘320, ‘645, ‘359, ‘060, ‘781, ‘801 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its flight tracking and status messaging “Information via SMS” text messaging services and its “eFlyServices on your mobile phone with “Webview”

programs/products/services/systems which utilize tracking and messaging technologies that are protected within the '859, '320, '645, '359, '060, '781, '801 and '970 patents.

24. Lufthansa'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, '359, '060, '781, '801 and '970 patents.

PRAYER FOR RELIEF

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

A. An award of damages against Lufthansa adequate to compensate Plaintiffs for the infringement that has occurred with respect to Lufthansa, together with prejudgment interest from the date that Lufthansa'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 Lufthansa 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 3 - CROWLEY **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, Crowley has infringed claims of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘010 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Shipment Track & Trace” including “receive email alerts on every status change” and Crowley’s “Customizable Reporting” programs/products/services/systems which include and use tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘010 and ‘970 patents.

27. Crowley’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, ‘010 and ‘970 patents.

PRAYER FOR RELIEF

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

- A. An award of damages against Crowley adequate to compensate Plaintiffs for the infringement that has occurred with respect to Crowley, together with prejudgment interest from the date that Crowley’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 Crowley 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 4 - CROWLEY
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, Crowley has infringed claims of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘010 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Shipment Track & Trace” including “receive email alerts on every status change” and Crowley’s “Customizable Reporting” programs/products/services/systems which include and use tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘010 and ‘970 patents.

30. Crowley’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, ‘010 and ‘970 patents.

PRAYER FOR RELIEF

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

A. An award of damages against Crowley adequate to compensate Plaintiffs for the infringement that has occurred with respect to Crowley, together with prejudgment interest from the date that Crowley’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 Crowley 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 5 - POLO
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, Polo 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. Polo'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.

PRAYER FOR RELIEF

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

A. An award of damages against Polo adequate to compensate Plaintiffs for the infringement that has occurred with respect to Polo, together with prejudgment interest from the date that Polo'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 Polo 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 6 - POLO
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, Polo 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. Polo'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 Polo and its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Polo, granting the following relief:

- A. An award of damages against Polo adequate to compensate Plaintiffs for the infringement that has occurred with respect to Polo, together with prejudgment interest from the date that Polo'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 Polo 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: March 18, 2011.

Respectfully submitted,

/s/ William R. McMahon
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**Attorney for Plaintiffs ArrivalStar
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Limited**