

2006
Summons
Issued

FILED
HARRISBURG, PA

JUN 16 2006

MARY E D'ANDREA, CLERK
Per Deputy Clerk

1 : C V 06 - 1214

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARRIVALSTAR S.A. and MELVINO	:	No: _____
TECHNOLOGIES LIMITED,	:	
Plaintiffs,	:	Judge _____
	:	
v.	:	JURY TRIAL DEMANDED
	:	
NEW PENN MOTOR EXPRESS,	:	COMPLAINT FOR PATENT
INC.,	:	INFRINGEMENT
Defendant.	:	
	:	

COMPLAINT

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively "ArrivalStar" or "Plaintiffs"), by and through their undersigned attorneys, for their complaint against defendant New Penn Motor Express, Inc. ("New Penn"), hereby allege as follows:

NATURE OF LAWSUIT

I. 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).

THE 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 a principal place of business at P.O. Box 3152, RG Hodge Building, Road Town, Tortola, British Virgin Islands.

4. Melvino and ArrivalStar (collectively referred to hereafter as "ArrivalStar") own all right, title and interest in, and have standing to sue for infringement of United States Patent No. 6,748,318 ("the '318 patent"), entitled "Advanced Notification Systems and Methods Utilizing A Computer Network," issued June 8, 2004 and 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 '318 and '359 patents are annexed hereto as Exhibits A and B, respectively.

5. Upon information and belief, defendant New Penn Motor Express, Inc. ("New Penn" or "Defendant") is a Pennsylvania corporation with a place of business at 625 South Fifth Avenuc, Lebanon, Pennsylvania 17042. New Penn transacts business and has provided to customers in this judicial District and

throughout the State of Pennsylvania services that infringe claims of the '318 and '359 patents.

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

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

7. New Penn has infringed claims of the '318 and '359 patents through, among other activities, the use of its "NP CONNEX™" Automatic Shipment Delivery Notification and Online Shipment Report services, which, upon information and belief, is a shipment tracking and status system. New Penn has also infringed the '318 and '359 patents by knowingly and actively inducing others to infringe, and by contributing to the infringement by others of, such patents.

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

PRAYER FOR RELIEF

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

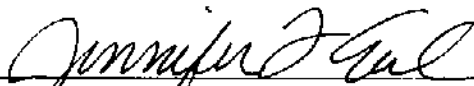
- A. An award of damages adequate to compensate ArrivalStar for the infringement that has occurred, together with prejudgment interest from the date that Defendant's infringement of the ArrivalStar patents began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case 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.

JURY DEMAND

ArrivalStar demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELIOTT, LLC



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Date: June 16, 2006

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Fri Jun 16 14:35:46 2006

UNITED STATES DISTRICT COURT

SCRANTON , PA

Receipt No. 111 145896
Cashier camille

Check Number: 330920

DB Code Div No
4667 1

Sub Acct	Type	Tender	Amount
1:510000	N	2	190.00
2:086900	N	2	60.00
3:086400	N	2	100.00

Total Amount \$ 350.00

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FF FOR 06-CV-1214

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