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Attorneys for Plaintiffs

ARRIVALSTAR S.A., and MELVINO TECHNOLOGIES LIMITED

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

(OAKLAND DIVISION)

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

Plaintiffs,

v.

XORA, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

) Case No.: 4:10-cv-04876 PJH

) **PLAINTIFFS' FIRST AMENDED**
) **COMPLAINT**

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively, "ArrivalStar" or "Plaintiffs"), by and through their undersigned attorneys, for their complaint against defendant Xora, Inc. ("Xora")(Xora is referred to herein as "Defendant") hereby allege as follows:

NATURE OF LAWSUIT

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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).

THE PARTIES

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

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

12 4. ArrivalStar owns all right, title and interest in, and has standing to sue for
13 infringement of United States Patent No. 6,278,936 (“the ‘936 patent”), entitled “System and
14 method for an advance notification system for monitoring and reporting proximity of a vehicle,”
15 issued August 21, 2001. A copy of the ‘936 patent is annexed hereto as Exhibit A.
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17 5. ArrivalStar owns all right, title and interest in, and has standing to sue for
18 infringement of United States Patent No. 6,714,859 (“the ‘859 patent”), entitled “System and
19 method for an advance notification system for monitoring and reporting proximity of a vehicle,”
20 issued March 30, 2004. A copy of the ‘859 patent is annexed hereto as Exhibit B.
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22 6. ArrivalStar owns all right, title and interest in, and has standing to sue for
23 infringement of United States Patent No. 6,741,927 (“the ‘927 patent”), entitled “User-definable
24 communications methods and systems,” issued May 25, 2004. A copy of the ‘927 patent is annexed
25 hereto as Exhibit C.

26 7. ArrivalStar owns all right, title and interest in, and has standing to sue for
27 infringement of United States Patent No. 6,804,606 (“the ‘606 patent”), entitled “Notification
28

1 systems and methods with user-definable notifications based upon vehicle proximities,” issued
 2 October 12, 2004. A copy of the ‘606 patent is annexed hereto as Exhibit D.

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

10 9. ArrivalStar owns all right, title and interest in, and has standing to sue for
 11 infringement of United States Patent No. 6,952,645 (“the ‘645 patent”), entitled “System and
 12 method for activation of an advance notification system for monitoring and reporting status of
 13 vehicle travel,” issued October 4, 2005. A copy of the ‘645 patent is annexed hereto as Exhibit G.

15 10. ArrivalStar owns all right, title and interest in, and has standing to sue for
 16 infringement of United States Patent No. 7,191,058 (“the ‘058 patent”), entitled “Notification
 17 systems and methods enabling user entry of notification trigger information based upon monitored
 18 mobile vehicle location,” issued March 13, 2007. A copy of the ‘058 patent is annexed hereto as
 19 Exhibit H.

20 11. Defendant **Error! Not a valid link.** is a **Error! Not a valid link.** with a place of business at
 21 **Error! Not a valid link.. Error! Not a valid link.** transacts business and has, at a minimum, offered to
 22 provide and/or provided in this judicial district and throughout the State of California services that
 23 infringe claims of the **Error! Not a valid link.** patents.

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

26 **DEFENDANT Error! Not a valid link. ‘S ACTS OF PATENT INFRINGEMENT**
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1 13. Defendant **Error! Not a valid link.** has infringed claims of the **Error! Not a valid link.**
2 patents through, among other activities, the use of **Error! Not a valid link.**'s **Error! Not a valid link.**

3 14. Defendant **Error! Not a valid link.**'s infringement has injured and will continue to
4 injure ArrivalStar unless and until this Court enters an injunction prohibiting further infringement
5 and, specifically, enjoining further use of methods and systems that come within the scope of the
6 **Error! Not a valid link.** patents.

7
8 **PRAYER FOR RELIEF**

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

12 A. An award of damages adequate to compensate ArrivalStar for the infringement that
13 has occurred, together with prejudgment interest from the date that Defendant's infringement of the
14 ArrivalStar patents began;

15
16 B. Increased damages as permitted under 35 U.S.C. § 284;

17 C. 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 D. A permanent injunction prohibiting further infringement, inducement and
20 contributory infringement of the ArrivalStar patents; and

21 E. Such other and further relief as this Court or a jury may deem proper and just.
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1 Dated: February 28, 2011

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

2
3 By: _____/s/_____

4 Michael D. Lisi

5 Attorneys for Plaintiffs ArrivalStar, S.A. and

6 MelvinoTechnologies, Inc

7 **JURY DEMAND**

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

9
10 Dated: February 28, 2011

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

11
12
13 By: _____/s/_____

14 Michael D. Lisi

15 Attorneys for Plaintiffs ArrivalStar, S.A. and

16 MelvinoTechnologies, Inc.