

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

Case No. 1:11-cv-21445-Ungaro

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

Plaintiffs,

vs.

DEMAND FOR JURY TRIAL

**GENCO DISTRIBUTION SYSTEM,
INC., d/b/a GENCO ATC, INFOLOGIX,
INC., and GURU DENIM, INC. as
parent of TRUE RELIGION SALES, LLC,**

Defendants.

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively "Plaintiffs"), through their undersigned counsel, hereby sue the above-named defendants 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: 6,714,859; 6,748,320; 6,952,645; 7,030,781; 7,400,970; 6,904,359; 6,317,060; 6,486,801; and, 6,411,891, 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.

THE 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 6,411,891 (“the ‘891 patent”), entitled “Advance Notification System and Method Utilizing User-Definable Notification Time Periods”, issued June 25, 2002. A copy of the ‘891 patent is attached hereto as Exhibit 9.

THE DEFENDANTS

16. Defendant Genco Distribution System, Inc., d/b/a Genco ATC (“Genco”) is a Pennsylvania Corporation with a principal place of business located at 100 Papercraft Park, Pittsburgh, Pennsylvania 15238. Although Genco is not officially authorized to transact business in Florida, it does; and it has a place of business located at 3200 NW 125th Street Bay, Miami, Florida 33167. Further, Genco 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 that infringe claims of the ‘859, ‘320, ‘645, ‘359, ‘060, ‘781, ‘801 and ‘970 patents. Finally, Genco has and manages a distribution center in Jacksonville, Florida, and such distribution center utilizes technology which infringes Plaintiffs’ patents. And last year it hosted its annual Unsaleable Summit on April 19th and 20th in Orlando, Florida where infringing services were discussed and offered for sale.

17. Defendant InfoLogix, Inc. (“InfoLogix”) is a Delaware Corporation with a principal place of business located at 101 E. County Line Road, Suite 210, Hatboro, Pennsylvania 19040. InfoLogix was previously registered to transact business in the State of Florida and had a Registered Agent in Miami Beach, Florida, but had its authority to transact business in Florida revoked due to its failure to submit its required annual report. Further, InfoLogix still 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, ‘891 and ‘970 patents. InfoLogix was recently offering infringing services in the State of Florida and within this Judicial District on October 25, 2010 while presenting information at the South Florida Healthcare Trade Faire & Regional Conference; and, InfoLogix also provides infringing services to its customers within this Judicial District, including, but not limited to, General Electric, Kraft Foods and Merck and Company. Finally, as a further example of InfoLogix’s continued and systematic presence in Florida and within this Judicial District, InfoLogix is currently advertising within all parts of Florida to fill the position of Healthcare Territory Account Manager which covers North Carolina, South Carolina, Georgia and Florida.

18. Defendant Guru Denim, Inc., as parent of True Religion Sales, LLC (“Guru”) is a California Corporation with a principal place of business located at 2263 East Vernon Avenue, Vernon, California 90058. Guru was authorized to transact business in Florida and had a Registered Agent in Miami, Florida, but voluntarily withdrew its authority to transact business in Florida on or about August 6, 2009. Guru 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 I – GENCO
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, Genco 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 “Warehouse Management System (WMS)”, “D-LogPLUS and Transportation Logistics Solutions”, “Automated Reporting and Analysis”, and “Track and Trace with Automatic Alert Notifications” 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. Genco’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.

REQUEST FOR RELIEF

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

A. An award of damages against Genco adequate to compensate Plaintiffs for the infringement that has occurred with respect to Genco, together with prejudgment interest from the date that Genco’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 Genco 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 – GENCO
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, Genco 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 "Warehouse Management System (WMS)", "D-LogPLUS and Transportation Logistics Solutions", "Automated Reporting and Analysis", and "Track and Trace with Automatic Alert Notifications" 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. Genco'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.

REQUEST FOR RELIEF

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

A. An award of damages against Genco adequate to compensate Plaintiffs for the infringement that has occurred with respect to Genco, together with prejudgment interest from the date that Genco'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 Genco 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 III – INFOLOGIX
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, InfoLogix has infringed claims of '859, '320, '645, '781, '359, '801, '060, '891 and '970 patents through, among other activities, the commercial sale, offer and/or use of its "Yard Scheduling", "Event Pipe with Notifications and Actionable Alerts", and "Planning and Alert Monitors" programs/products/services/systems which include and use tracking and messaging technologies that are protected within the '859, '320, '645, '781, '359, '801, '060, '891 and '970 patents.

27. InfoLogix'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, ‘891 and ‘970 patents.

REQUEST FOR RELIEF

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

- A. An award of damages against InfoLogix adequate to compensate Plaintiffs for the infringement that has occurred with respect to InfoLogix, together with prejudgment interest from the date that InfoLogix’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 InfoLogix 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 IV – INFOLOGIX
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, InfoLogix has infringed claims of ‘859, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060, ‘891 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Yard Scheduling”, “Event Pipe with Notifications and Actionable Alerts”, and “Planning and Alert Monitors” programs/products/services/systems which include

and use tracking and messaging technologies that are protected within the '859, '320, '645, '781, '359, '801, '060, '891 and '970 patents.

30. InfoLogix'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, '891 and '970 patents.

REQUEST FOR RELIEF

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

A. An award of damages against InfoLogix adequate to compensate Plaintiffs for the infringement that has occurred with respect to InfoLogix, together with prejudgment interest from the date that InfoLogix'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 InfoLogix 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 V – GURU 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, Guru 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. Guru’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.

REQUEST FOR RELIEF

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

A. An award of damages against Guru adequate to compensate Plaintiffs for the infringement that has occurred with respect to Guru, together with prejudgment interest from the date that Guru’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 Guru 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 VI – GURU
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, Guru 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. Guru'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.

REQUEST FOR RELIEF

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

A. An award of damages against Guru adequate to compensate Plaintiffs for the infringement that has occurred with respect to Guru, together with prejudgment interest from the date that Guru'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 Guru 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: June 22, 2011.

Respectfully submitted,

/s/ William R. McMahon
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

/s/ William R. McMahon
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