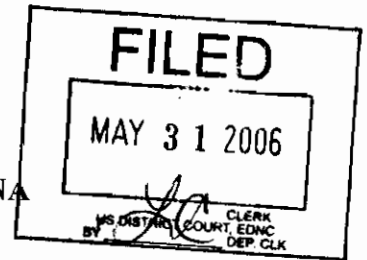


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Western DIVISION  
CIVIL ACTION NO. 5:06-cv-222



ARRIVALSTAR S.A. and MELVINO  
TECHNOLOGIES LIMITED,

Plaintiffs,

v.

RAILINC CORP.,

Defendant.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**(Jury Trial Demanded)**

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

**JURISDICTION, PARTIES AND VENUE**

1. 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).

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 Railinc Corp. ("Railinc" or "Defendant") is a corporation organized under the laws of Delaware, having a principal place of business at 7001 Weston Parkway, Suite 200, Cary, North Carolina 27513. Railinc transacts business and has provided to customers in this judicial District and throughout the State of North Carolina 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. Railinc has infringed claims of the '318 and '359 patents through, among other activities, the use of its "RailSight" and "Steelroads" services, which, upon information and belief, are shipment tracking and status systems. Railinc 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. Railinc'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.

Dated: May 31, 2006

By: 

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