

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No.: 5: 12-cv-347**

ARRIVALSTAR S.A. and MELVINO  
TECHNOLOGIES LIMITED,

Plaintiffs,

vs.

CITY OF RALEIGH and RALEIGH AREA  
TRANSIT

Defendant.

**COMPLAINT FOR  
PATENT INFRINGEMENT  
(DEMAND FOR JURY TRIAL)**

---

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively, “ArrivalStar” or “Plaintiffs”), by and through their undersigned attorneys, for their complaint against defendants City of Raleigh and Raleigh Transit Authority (collectively referred to hereafter as “CAT” and/or “Defendant CAT”) hereby allege as follows:

**NATURE OF LAWSUIT**

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).

**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 offices at P.O. Box 3152, RG Hodge Building,

Road Town, Tortola, British Virgin Islands.

4. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit A.

5. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit B.

6. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit C.

7. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit D.

8. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 6,804,606 (“the ‘606 patent”), entitled “Notification systems and methods with user-definable notifications based upon vehicle proximities” issued October 12, 2004. A copy of the ‘606 patent is annexed hereto as Exhibit E.

9. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of 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 ‘359 patent is annexed hereto as Exhibit F. The ‘359 patent was the subject of an Inter Partes reexamination at the United States Patent and Trademark Office. A Reexamination Certificate was issued on May 25, 2010 and is annexed hereto as Exhibit G.

10. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 7,089,107 (“the ‘107 patent”), entitled “System and method for an advance notification system for monitoring and reporting proximity of a vehicle” issued August 8, 2006. A copy of the ‘107 patent is annexed hereto as Exhibit H.

11. Each of Defendant CAT is a local governmental entity existing under the laws of the State of North Carolina with its offices and principal place of business in Raleigh, North Carolina. CAT has ownership, as well as control and rights of control with respect to the activities herein complained, over the program known as Capital Area Transit. Capital Area Transit is funded and administered by the Raleigh Transit Authority, an agency of the City of Raleigh, and provides certain bus services within the City of Raleigh and surrounding communities using, on information and belief, buses owned by the City of Raleigh. CAT transacts business in and has, at a minimum, offered to provide and/or provided in this judicial district within the State of North Carolina, services that infringe claims of the ‘060, ‘891, ‘801, ‘859, ‘606, ‘359, and ‘107 patents.

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

## **DEFENDANT CAT'S ACTS OF PATENT INFRINGEMENT**

13. Defendant CAT has infringed claims of the '060, '891, '801, '859, '606, '359, and '107 patents through, among other activities, the use of CAT's Automated Bus Tracking system.

14. Defendant CAT's infringement 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 '060, '891, '801, '859, '606, '359, and '107 patents

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs ask this Court to enter judgment against Defendant CAT, and against their 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 CAT'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, and/or the 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: June 15, 2012

Respectfully submitted,

/s/ Anthony E. Dowell  
Anthony E. Dowell  
aedowell@dowellbaker.com  
Indiana Bar # 24041 79  
Geoffrey D. Smith  
GSmith@dowellbaker.com  
Indiana Bar # 26597 79

**DOWELL BAKER, P.C.**  
**Attorneys for Plaintiffs**  
201 Main St., Suite 710  
Lafayette, IN 47901  
(765) 429-4004  
(765) 429-4114 (fax)

/s/ Susan Freya Olive  
NC State Bar No. 7252  
**OLIVE & OLIVE, P.A.**  
**Attorneys for Plaintiffs**  
500 Memorial Street, PO Box 2049  
Durham, NC 27702  
Email: [emailboxEDNC@oliveandolive.com](mailto:emailboxEDNC@oliveandolive.com)  
Telephone: (919) 683-5514  
Fax: (919) 688-3781  
**Local Civil Rule 83.1 Counsel**