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HON. ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiff,

v.

AGILITY LOGISTICS, INC., LOGISTICAL
MANAGEMENT SOLUTIONS, LC., MATSON
INTEGRATED LOGISTICS, INC.,
MICROLISE ENGINEERING LIMITED,
NEXXIO TECHNOLOGIES, LLC, TRAK-IT
SOLUTIONS, INC., ULTRA LOGISITCS,
INC., VERISIGN, LLC, WLG, LLC

Defendants.

Cause No. 10-cv-01249-RSL

FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, by and through
their undersigned attorneys, for their first amended complaint against defendant WLG, LLC
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).

1 **THE PARTIES**

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

4 3. Melvino Technologies Limited is a corporation organized under the
5 laws of the British Virgin Island of Tortola, having a principal place of business at P.O. Box
6 3152, RG Hodge Building, Road Town, Tortola, British Virgin Islands.

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

12 5. ArrivalStar owns all right, title and interest in, and has standing to sue
13 for infringement of United States Patent No. 5,657,010 (“the 010 patent”), entitled “Advance
14 notification system and method utilizing vehicle progress report generator,” issued August 12,
15 1997. A copy of the “010” patent is attached hereto as Exhibit B.

16 6. ArrivalStar owns all right, title and interest in, and has standing to sue
17 for infringement of United States Patent No. 7,030,781 (“the 781 patent”), entitled
18 “Notification system and method that informs a party of vehicle delay,” issued April 18, 2006.
19 A copy of the “781” patent is attached hereto as Exhibit C.

20 7. ArrivalStar owns all right, title and interest in, and has standing to sue
21 for infringement of United States Patent No. 6,317,060 (“the 060 patent”), entitled “Base
22 station system and method for monitoring travel of mobile vehicles and communicating
23 notification messages,” issued November 13, 2001. A copy of the “060” patent is attached
24 hereto as Exhibit D.
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1 8. ArrivalStar owns all right, title and interest in, and has standing to sue
2 for infringement of United States Patent No. 6,411,891 (“the 891 patent”), entitled “Advance
3 notification system and method utilizing user-definable notification time periods,” issued June
4 25, 2002. A copy of the “891” patent is attached hereto as Exhibit E.

5 9. ArrivalStar owns all right, title and interest in, and has standing to sue
6 for infringement of United States Patent No. 6,714,859 (“the 859 patent”), entitled “Base
7 station system and method for monitoring travel of mobile vehicles and communicating
8 notification messages,” issued November 13, 2001. A copy of the “859” patent is attached
9 hereto as Exhibit F.
10

11 10. ArrivalStar owns all right, title and interest in, and has standing to sue
12 for infringement of United States Patent No. 7,400,970 (“the 970 patent”), entitled “System
13 and method for an advance notification system for monitoring and reporting proximity of a
14 vehicle,” issued November 13, 2001. A copy of the “970” patent is attached hereto as
15 Exhibit G.
16

17 11. ArrivalStar owns all right, title and interest in, and has standing to sue
18 for infringement of United States Patent No. 6,904,359 (“the 359 patent”), entitled
19 “Notification Systems and Methods With User-Definable Notifications Based Upon
20 Occurance of Events” issued June 7, 2005. A copy of the “369” patent is attached hereto as
21 Exhibit H.

22 12. Upon information and belief, Defendant Ultra Logistics, Inc., (“Ultra”
23 or “Defendants”) is a New Jersey corporation with a place of business at 475 Market Street,
24 Elmwood Park, New Jersey 07407. Ultra transacts business and has at a minimum, offered to
25 provide and/or provided to customers in this judicial district and throughout the State of
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1 Washington services that infringe claims of the ‘645,’010, ‘781, ‘060, ‘859, ‘891 and ‘970
2 patents.

3 13. Upon information and belief, Defendant Agility Logistics, Inc.,
4 (“Agility” or “Defendants”) is a Delaware corporation with a place of business at 23206 66th
5 Avenue South Kent, Washington, 98032. Agility transacts business and has at a minimum,
6 offered to provide and/or provided to customers in this judicial district and throughout the
7 State of Washington services that infringe claims of the ‘645,’010, ‘781, ‘060, ‘859, ‘891 and
8 ‘970 patents.
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10 14. Upon information and belief, Defendant Nexxio Technologies, LLC,
11 (“Nexxio” or “Defendants”) is a Texas corporation with a place of business at 2000 N Central
12 Expy. Suite 113, Plano, Texas, 75074. Nexxio transacts business and has at a minimum,
13 offered to provide and/or provided to customers in this judicial district and throughout the
14 State of Washington services that infringe claims of the ‘645,’010, ‘781, ‘060, ‘859, ‘891 and
15 ‘970 patents.
16

17 15. Upon information and belief, Defendant WLG, LLC, (“WLG” or
18 “Defendants”) is an Illinois corporation with a place of business at 920 E. Algonquin Rd., Ste.
19 120, Schaumburg, Illinois, 60173-4163. WLG transacts business and has at a minimum,
20 offered to provide and/or provided to customers in this judicial district and throughout the
21 State of Washington services that infringe claims of at least the ‘781, ‘060, ‘859, ‘891 and
22 ‘970 patents.
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24 16. Upon information and belief, Defendant Verisign, Inc, (“Verisign” or
25 “Defendants”) is a Delaware corporation with a place of business at 487 E. Middlefield Rd.,
26 Mountain View, California, 94043-4047. Verisign transacts business and has at a minimum,
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1 offered to provide and/or provided to customers in this judicial district and throughout the
2 State of Washington services that infringe claims of the '645,'010, '781, '060, '859, '891 and
3 '970 patents.

4 17. Upon information and belief, Defendant Microlise Engineering
5 Limited, ("Microlise" or "Defendants") is a Georgia corporation with a place of business at
6 12600 Deerfield Pkwy, Suite 100, Alpharetta, Georgia, 30004. Microlise transacts business
7 and has at a minimum, offered to provide and/or provided to customers in this judicial district
8 and throughout the State of Washington services that infringe claims of the '645,'010, '781,
9 '060, '859, '891 and '970 patents.

11 18. Upon information and belief, Defendant Trak-It Solutions, Inc, ("Trak-
12 It" or "Defendants") is an Arizona corporation with a place of business at 7523 W. Crimson
13 Sky Drive, Tucson, Arizona, 85743. Trak-It transacts business and has at a minimum, offered
14 to provide and/or provided to customers in this judicial district and throughout the State of
15 Washington services that infringe claims of the '645,'010, '781, '060, '859, '891 and '970
16 patents.

18 19. Upon information and belief, Logistical Management Solutions, LC,
19 ("LMS" or "Defendants") is a Missouri corporation with a place of business at 1 CityPlace,
20 Suite 415, St. Louis, Missouri, 63141. LMS transacts business and has at a minimum, offered
21 to provide and/or provided to customers in this judicial district and throughout the State of
22 Washington services that infringe claims of the '645,'010, '781, '060, '859, '891 and '970
23 patents.

25 20. Upon information and belief, Defendant Matson Integrated Logistics,
26 Inc. ("Matson" or "Defendants") is a California corporation with a place of business at
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1 Terminal 18, 2715 11th Avenue, Seattle, Washington 98134. Matson transacts business and
2 has at a minimum, offered to provide and/or provided to customers in this judicial district and
3 throughout the State of Washington services that infringe claims of the ‘645,’010, ‘781, ‘060,
4 ‘859, ‘891 and ‘970 patents.

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6 21. To date, and without admission of liability by any party, ArrivalStar
7 has reached understandings with Agility, Trak-It, Matson and Verisign who have all been
8 dismissed from this action and who do not need to answer.

9
10 22. To date, and without admission of liability by any party, ArrivalStar is
11 currently engaged in meaningful discussions with LMS, Microlise, Nexxio Technologies, and
12 Ultra Logistics, which discussions are ongoing and do not require answer by these parties.

13
14 23. ArrivalStar files this First Amended Complaint in order to set out in
15 greater detail the factual basis for its allegations against Defendant WLG.

16 JURISDICTION AND VENUE

17 24. This Court has exclusive jurisdiction over the subject matter of the
18 Complaint under 28 U.S.C. §§ 1338(a). Personal Jurisdiction over the defendants is proper in
19 this Court. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or
20 1400(b).

21 DEFENDANT ULTRA LOGISTICS’ ACTS OF PATENT INFRINGEMENT

22 25. Ultra Logistics, Inc., has infringed claims of the ‘010, ‘859, ‘060, ‘891,
23 ‘645, ‘781 and the ‘970 patents through, among other activities, the use of its
24 UltraShipTMS™ service, which, upon information and belief, is a shipment and tracking and
25 status system. Ultra has also infringed the ‘010, ‘859, 060, ‘891, ‘645, ‘781 and the ‘970
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1 patents by knowingly and actively inducing others to infringe, and by contributing to the
2 infringement by others of such patents.

3 26. Ultra’s infringement, contributory infringement, and inducement to
4 infringe has been willful and deliberate and has injured and will continue to injure
5 ArrivalStar, unless and until this Court enters an injunction prohibiting further infringement
6 and, specifically, enjoining further use of methods and systems that come within the scope of
7 the ArrivalStar patents.
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9 **DEFENDANT AGILITY LOGISTICS’ ACTS OF PATENT INFRINGEMENT**

10 27. Agility Logistics, Inc. has infringed claims of the ‘010, ‘859, ‘060,
11 ‘891, ‘645, ‘781 and the ‘970 patents through, among other activities, the use of its “Logistics
12 Tools” service, which, upon information and belief, is a shipment and tracking and status
13 system. Agility has also infringed the ‘010, ‘859, 060, ‘891, ‘645, ‘781 and the ‘970 patents
14 by knowingly and actively inducing others to infringe, and by contributing to the infringement
15 by others of such patents.
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17 28. Agility’s infringement, contributory infringement, and inducement to
18 infringe has been willful and deliberate and has injured and will continue to injure
19 ArrivalStar, unless and until this Court enters an injunction prohibiting further infringement
20 and, specifically, enjoining further use of methods and systems that come within the scope of
21 the ArrivalStar patents.
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23 **DEFENDANT NEXXIO TECHNOLOGIES’ ACTS OF PATENT**
24 **INFRINGEMENT**

25 29. Nexxio has infringed claims of the ‘010, ‘859, ‘060, ‘891, ‘645, ‘781 and the
26 ‘970 patents through, among other activities, the use of its “Supply Chain Visibility” service,
27 which, upon information and belief, is a shipment and tracking and status system. Nexxio has

1 also infringed the '010, '859, 060, '891, '645, '781 and the '970 patents by knowingly and
2 actively inducing others to infringe, and by contributing to the infringement by others of such
3 patents.

4 30. Nexxio's infringement, contributory infringement, and inducement to infringe
5 has been willful and deliberate and has injured and will continue to injure ArrivalStar, unless
6 and until this Court enters an injunction prohibiting further infringement and, specifically,
7 enjoining further use of methods and systems that come within the scope of the ArrivalStar
8 patents.
9

10 **DEFENDANT WLG'S ACTS OF PATENT INFRINGEMENT**

11 31. Upon information and belief, WLG is engaged in the business of helping other
12 businesses efficiently and dependably source, develop, and deliver an array of products to the
13 worldwide marketplace. WLG's core competence is in providing comprehensive 3PL (third-
14 party logistics) solutions, supported by a non-asset based strategy that enables WLG to assure
15 space availability, provide flexible cargo management, adapt to dynamic market conditions,
16 and offer competitive rates.
17

18 32. Although WLG is headquartered in Illinois, WLG, upon information and
19 belief, maintains an office in this District at 33309 1st Way South, Suite A-206
20 Federal Way, WA 98003 USA, and provides logistic services to customers in this district.
21

22 33. Among the various services provided by WLG to customers in this district are
23 web-based order tracking systems, identified by WLG as its "Internet Tracking System," that
24 deliver up-to-date information on the status of shipments down to the SKU level from the
25 time the order is placed to arrival at the final destination. This permits shippers to obtain
26 current information on the status of orders at virtually any time during shipment.
27

1 34. Upon information and belief, the WLG Internet Tracking System places the
2 decision-making power in the customers' hands, allowing customers to determine the best
3 methods for information exchange and the levels of transaction automation. Using state-of-
4 the-art information technology and advanced logistics solutions, WLG moves cargo, manages
5 information, and make connections for its customers in this District and around the world.

6 35. Upon information and belief, the WLG Internet Tracking System monitors the
7 travel data of vehicles used for shipment. In particular, the destination and delivery
8 information is entered by the customer. This information includes a location and further
9 information is entered by the customer. This information includes a location and further
10 includes a region that the vehicle achieves during travel from pickup to delivery. Such
11 monitoring is provided by the WLG Internet Tracking System from the time the order is
12 placed to arrival at its destination.

13 36. Upon information and belief, the WLG Internet Tracking System provides real
14 time messages to customers over a variety of communications devices, including but not
15 limited to PDAs, Smart Phones, Wireless Devices, and the like.

16 37. Upon information and belief, the WLG Internet Tracking System provides
17 real-time data transmission to customers as well as specialized and/or customized reports,
18 exceptions, alerts, intelligent reporting and notification.

19 38. WLG's Internet Tracking System infringes at least Claim 21 of the 359 patent.

20 39. Claim 21 of the 359 patent specifies a method and calls, in part, for the step of
21 “(a) permitting a user to predefine at a computer system one or more events that will cause
22 creation and communication of a notification relating to the status of a mobile vehicle in
23 relation to a location.” The WLG Internet Tracking System performs this step at least to the
24 extent that it places the decision-making power in the customers' hands, allowing customers
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1 to determine the best methods for information exchange and the levels of transaction
2 automation.

3 40. Claim 21 of the 359 patent further specifies that “the one or more events
4 comprises at least one of the following:” and lists a plurality of such events as follows:
5 “distance information specified by the user that is indicative of a distance between the vehicle
6 and the location, location information specified by the user that is indicative of a location or
7 region that the vehicle achieves during travel, time information specified by the user that is
8 indicative of a time for travel of the vehicle to the location, or a number of one or more stops
9 that the vehicle accomplishes prior to arriving at the location;” The WLG Internet Tracking
10 System provides for one or more of these events at least to the extent that it monitors the
11 travel data of vehicles used for shipment, permits the destination and delivery information to
12 be entered by the customer, and provides such information to the customer from the time the
13 order is placed to arrival at its destination.
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16 42. The second of the steps specified by Claim 21 of the 359 patent is stated as
17 follows: “(b) tracking movement of the vehicle as it moves toward the location.” The WLG
18 Internet Tracking System performs this step at least to the extent that it delivers up-to-date
19 information on the status of shipments down to the SKU level from the time the order is
20 placed to arrival at the final destination.
21

22 43. The last of the steps specified by Claim 21 of the 359 patent is stated as
23 follows: “communicating a notification from the computer system to a user communication
24 device upon occurrence of the one or more events, the user communication device being a
25 general-purpose communications device that is remote from the location and that is designed
26 to communicate with other communications devices that are undedicated to the computer
27

1 system.” The WLG Internet Tracking System performs this step at least to the extent that it
2 provides real time messages to customers over a variety of communications devices, including
3 but not limited to PDAs, Smart Phones, Wireless Devices, and the like, and provides real-time
4 data transmission to customers as well as specialized and/or customized reports, exceptions,
5 alerts, intelligent reporting and notification.

6 44. WLG's Internet Tracking System infringes at least Claim 1 of the '781 patent.

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8 45. Claim 1 of the 781 patent specifies a method and calls, in part, for the step of
9 “monitoring travel data associated with the vehicle.” The WLG Internet Tracking System
10 performs this step at least to the extent that it is an Internet-based tool tailored to message
11 information based on the ETA and exceptions / alerts (delays) of shipments and to the extent
12 that it delivers up-to-date information on the status of shipments down to the SKU level from
13 the time the order is placed to arrival at the final destination.

14
15 46. Claim 1 of the 781 patent specifies a method and calls, in part, for the further
16 step of “comparing planned timing of the vehicle along a route to updated vehicle status
17 information.” The WLG Internet Tracking System performs this step at least to the extent
18 that it offers “Intelligent reporting and notification” and “Specialized, customized reports,
19 exceptions, and alerts”. Such messages notify users when the planned timing of a vehicle to a
20 destination (shipment) changes, remains the same or is on time.

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22 47. Claim 1 of the 781 patent specifies a method and calls, in part, for the final
23 step of, “contacting a user communications device before the vehicle reaches a vehicle stop
24 along the route; and informing the user of the vehicle delay with respect to the vehicle stop
25 and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated
26 vehicle status information and the planned timing.” The WLG Internet Tracking System
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1 performs this step at least to the extent that it monitors the travel data and, in advance of the
2 vehicle's arrival at a particular stop, communicates a vehicle delay message from a computer
3 system to a remote general-purpose computer-based communications device that is associated
4 with the user and is remote from the vehicle stop.

5 48. Upon information and belief, WLG also offer to customers in this district a
6 product a shipping management product identified by WLG as its "Purchase
7 Order/Vendor/Supply Chain Management" system that is an electronically transmitted based
8 tool tailored to message information based on the ETA and exceptions / alerts (delays) of
9 shipments.
10 shipments.

11 49. Upon information and belief, and as specified by WLG's own website, the
12 WLG Purchase Order/Vendor/Supply Chain Management System delivers up-to-date
13 information on the status of shipments and offers "Importers to WLG to Importer's Suppliers
14 856 advanced shipping notice and ASN electronically transmitted to your ERP Exception
15 Reports (Delays, etc.)". Upon information and belief, these messages notify users when the
16 planned timing of a vehicle to a destination changes.
17 planned timing of a vehicle to a destination changes.

18 50. Upon information and belief, the WLG Purchase Order/Vendor/Supply Chain
19 System monitors the travel data and in advance of the vehicle's arrival at a particular stop.
20 Prior to the vehicle stop, the WLG Purchase Order/Vendor/Supply Chain system
21 communicates an 856 advance shipping notice (ASN) electrically transmitted to an importers
22 ERP (Exception Notice) (i.e. Delay, On time, or other) vehicle delay message from a
23 computer system to a remote general-purpose computer-based communications device
24 associated with the user and is remote from the vehicle stop.
25 associated with the user and is remote from the vehicle stop.

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1 51. WLG's Purchase Order/Vendor/Supply Chain System infringes at least Claim
2 1 of the '781 patent.

3 52. Claim 1 of the 781 patent specifies a method and calls, in part, for the step of
4 “monitoring travel data associated with the vehicle.” The WLG Purchase
5 Order/Vendor/Supply Chain System performs this step at least to the extent that it is an
6 electronically transmitted based tool tailored to message information based on the ETA and
7 exceptions / alerts (delays) of shipments.
8

9 53. Claim 1 of the 781 patent specifies a method and calls, in part, for the further
10 step of “comparing planned timing of the vehicle along a route to updated vehicle status
11 information.” The WLG Purchase Order/Vendor/Supply Chain System performs this step at
12 least to the extent that it offers importers advanced shipping notices and ASN electronically
13 transmitted to a customers ERP Exception Reports (Delays, etc.)”. Upon information and
14 belief, these messages notify users when the planned timing of a vehicle to a destination
15 changes.
16

17 54. Claim 1 of the 781 patent specifies a method and calls, in part, for the final
18 step of, “contacting a user communications device before the vehicle reaches a vehicle stop
19 along the route; and informing the user of the vehicle delay with respect to the vehicle stop
20 and of updated impending arrival of the vehicle at the vehicle stop, based upon the updated
21 vehicle status information and the planned timing.” The WLG Purchase
22 Order/Vendor/Supply Chain System performs this step at least to the extent that it monitors
23 the travel data and in advance of the vehicle’s arrival at a particular stop. In particular, and
24 upon information and belief, prior to the vehicle stop, the WLG Purchase
25 Order/Vendor/Supply Chain system communicates an 856 advance shipping notice (ASN)
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1 electrically transmitted to an importer's ERP (Exception Notice) (i.e. Delay, On time, or
2 other) vehicle delay message from a computer system to a remote general-purpose computer-
3 based communications device associated with the user and is remote from the vehicle stop.

4 55. On or about November 13, 2009, ArrivalStar, by its attorneys, wrote to WLG
5 to place WLG on notice of its patent portfolio and to offer a license. WLG never responded
6 to that letter or otherwise communicated with ArrivalStar until after this action was filed more
7 than eight months later.
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9 56. WLG's infringement of at least the 359 and 781 patents has been willful and
10 deliberate and has injured and will continue to injure ArrivalStar, unless and until this Court
11 enters an injunction prohibiting further infringement and, specifically, enjoining further use of
12 methods and systems that come within the scope of the ArrivalStar patents.
13

14 **DEFENDANT VERISIGN'S ACTS OF PATENT INFRINGEMENT**

15 57. Verisign has infringed claims of the '010, '859, '060, '891, '645, '781 and the
16 '970 patents through, among other activities, the use of its "Shipping & Logistics" service,
17 which, upon information and belief, is a shipment and tracking and status system. Verisign
18 has also infringed the '010, '859, 060, '891, '645, '781 and the '970 patents by knowingly and
19 actively inducing others to infringe, and by contributing to the infringement by others of such
20 patents.
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22 58. Verisign's infringement, contributory infringement, and inducement to infringe
23 has been willful and deliberate and has injured and will continue to injure ArrivalStar, unless
24 and until this Court enters an injunction prohibiting further infringement and, specifically,
25 enjoining further use of methods and systems that come within the scope of the ArrivalStar
26 patents.
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1 **DEFENDANT MICROLISE ENGINEERING LIMITED’S ACTS OF PATENT**
2 **INFRINGEMENT**

3 59. Microlise has infringed claims of the ‘010, ‘859, ‘060, ‘891, ‘645, ‘781 and the
4 ‘970 patents through, among other activities, the use of its “Supply Chain and Logistics”
5 service, which, upon information and belief, is a shipment and tracking and status system.
6 Microlise has also infringed the ‘010, ‘859, 060, ‘891, ‘645, ‘781 and the ‘970 patents by
7 knowingly and actively inducing others to infringe, and by contributing to the infringement by
8 others of such patents.

9 60. Microlise’s infringement, contributory infringement, and inducement to
10 infringe has been willful and deliberate and has injured and will continue to injure
11 ArrivalStar, unless and until this Court enters an injunction prohibiting further infringement
12 and, specifically, enjoining further use of methods and systems that come within the scope of
13 the ArrivalStar patents.
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15 **DEFENDANT TRAK-IT SOLUTION’S ACTS OF PATENT INFRINGEMENT**

16 61. Trak-It Solutions, Inc., has infringed claims of the ‘010, ‘859, ‘060, ‘891, ‘645,
17 ‘781 and the ‘970 patents through, among other activities, the use of its “Shipment Tracking,
18 Configurable Checkpoints, Corporate Tracking, SMS Alerts, Information Checkpoints”
19 service, which, upon information and belief, is a shipment and tracking and status system.
20 Trak-It has also infringed the ‘010, ‘859, 060, ‘891, ‘645, ‘781 and the ‘970 patents by
21 knowingly and actively inducing others to infringe, and by contributing to the infringement by
22 others of such patents.
23

24 62. Trak-It’s infringement, contributory infringement, and inducement to infringe
25 has been willful and deliberate and has injured and will continue to injure ArrivalStar, unless
26 and until this Court enters an injunction prohibiting further infringement and, specifically,
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1 enjoining further use of methods and systems that come within the scope of the ArrivalStar
2 patents.

3 **DEFENDANT LOGISTICAL MANAGEMENT SOLUTIONS' ACTS OF**
4 **PATENT INFRINGEMENT**

5 63. Logistical Management Solutions, LC has infringed claims of the '010, '859,
6 '060, '891, '645, '781 and the '970 patents through, among other activities, the use of its
7 "Proprietary Transportation Management System" service, which, upon information and
8 belief, is a shipment and tracking and status system. LMS has also infringed the '010, '859,
9 '060, '891, '645, '781 and the '970 patents by knowingly and actively inducing others to
10 infringe, and by contributing to the infringement by others of such patents.
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12 64. LMS' infringement, contributory infringement, and inducement to infringe has
13 been willful and deliberate and has injured and will continue to injure ArrivalStar, unless and
14 until this Court enters an injunction prohibiting further infringement and, specifically,
15 enjoining further use of methods and systems that come within the scope of the ArrivalStar
16 patents.
17

18 **DEFENDANT MATSON INTEGRATED LOGISTICS' ACTS OF PATENT**
19 **INFRINGEMENT**

20 65. Matson Integrated Logistics has infringed claims of the '010, '859, '060, '891,
21 '645, '781 and the '970 patents through, among other activities, the use of its
22 "FaxTrack" service, which, upon information and belief, is a shipment and tracking and status
23 system. Matson has also infringed the '010, '859, '060, '891, '645, '781 and the '970 patents
24 by knowingly and actively inducing others to infringe, and by contributing to the infringement
25 by others of such patents.
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1 66. Matson’s infringement, contributory infringement, and inducement to infringe
2 has been willful and deliberate and has injured and will continue to injure ArrivalStar, unless
3 and until this Court enters an injunction prohibiting further infringement and, specifically,
4 enjoining further use of methods and systems that come within the scope of the ArrivalStar
5 patents.
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PRAYER FOR RELIEF

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

12 A. An award of damages adequate to compensate Plaintiffs for the infringement
13 that has occurred, together with prejudgment interest from the date infringement of the
14 Subject Patents began;

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

16 C. A finding that this case is exceptional and an award to Plaintiffs of their
17 attorneys’ fees and costs as provided by 35 U.S.C. § 284;

18 D. A permanent injunction prohibiting further infringement, inducement and
19 contributory infringement of the ArrivalStar Patents; and,

20 E. Such other and further relief as this Court or a jury may deem proper and just.

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JURY DEMAND

22 ArrivalStar demands a trial by jury on all issues presented in this Complaint.
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25 Dated this 3rd day of January, 2011.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 3th day of January, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system to all parties who have appeared in the above noted matter.

Executed on January 3, 2011.

/s/ Anne K. Smith