

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

Case No. _____

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiffs,

vs.

Demand for Jury Trial

RAMCO SYSTEMS CORPORATION,
KOG TRANSPORT, INC., and TOYS
“R” US – DELAWARE, INC., d/b/a
TOYS “R” US,

Defendants.

_____ /

Complaint for Patent Infringement

Plaintiffs, ArrivalStar S.A. and Melvino Technologies Limited (collectively “Plaintiffs”),
by and through their undersigned counsel, as and for their Complaint for Patent Infringement
against the above-named Defendants, hereby 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,
5,657,010, 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 haled 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.

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 Ramco Systems Corporation (“Ramco”) is a California Corporation with a principal place of business located at 3150 Brunswick Pike, Suite 130, Lawrenceville, New Jersey 08648. Ramco is authorized to transact business in Florida and has a Registered Agent in Jacksonville, Florida. Further, Ramco 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 ‘859, ‘320, ‘645, ‘359, ‘060, ‘781, ‘891 and ‘970 patents. Finally, Ramco has or is providing infringing services to companies within the State of Florida and specifically within this Judicial District, namely, Citi Bank, Air Methods, Sunkist Growers, Swatch and Texas Instruments to name a few.

17. Defendant Kog Transport, Inc. (“Kog”) is a New York Corporation with a principal place of business located at 299 Broadway, Suite 1815, New York, New York 10007. Kog 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. Further, Kog was authorized to transact business and had a Registered Agent in Florida but withdrew such authority in May, 2008. However, upon information and belief, Kog still has offices located at 7392 NW 35th Terrace, # 210, Miami, Florida 33122-1271 and 2153 NW 79th Avenue, Miami, Florida 33122

18. Defendant Toys “R” Us – Delaware, Inc., d/b/a Toys “R” Us (“Toys “R” Us”) is a Delaware Corporation with a principal place of business located at One Geoffrey Way, Wayne, New Jersey 07470. Toys “R” Us is authorized to transact business in Florida and has a Registered Agent in Tallahassee, Florida. Further, Toys “R” Us also has offices and stores throughout the State of Florida including within this Judicial District specifically located in Boca Raton, Florida; Plantation, Florida; and, Miami, Florida. Finally, Toys “R” Us 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 1
Ramco
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, Ramco has infringed claims of the ‘859, ‘320, ‘645, ‘359, ‘060, ‘781, ‘891, ‘801 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Ramco Virtual Works” and “Ramco 3PL and Transportation” programs/products/services/systems which utilize tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘359, ‘060, ‘891, ‘781, ‘801 and ‘970 patents.

21. Ramco'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, '891, '060, '781, '801 and '970 patents.

Prayer for Relief

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

A. An award of damages against Ramco adequate to compensate Plaintiffs for the infringement that has occurred with respect to Ramco, together with prejudgment interest from the date that Ramco'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 Ramco 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 2
Ramco
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, Ramco has infringed claims of the ‘859, ‘891, ‘320, ‘645, ‘359, ‘060, ‘781, ‘801 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Ramco Virtual Works” and “Ramco 3PL and Transportation” programs/products/services/systems which utilize tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘359, ‘060, ‘781, ‘891, ‘801 and ‘970 patents.

24. Ramco’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, ‘891, ‘645, ‘359, ‘060, ‘781, ‘801 and ‘970 patents.

Prayer for Relief

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

A. An award of damages against Ramco adequate to compensate Plaintiffs for the infringement that has occurred with respect to Ramco, together with prejudgment interest from the date that Ramco’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 Ramco 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 3
Kog
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, Kog has infringed claims of ‘859, ‘891, ‘320, ‘645, ‘781, ‘359, ‘801, ‘060 and ‘970 patents through, among other activities, the commercial sale, offer and/or use of its “Web Tracking”, “Event Manager” and “Track and Trace Forwarding System” programs/products/services/systems which include and use tracking and messaging technologies that are protected within the ‘859, ‘320, ‘645, ‘891, ‘781, ‘359, ‘801, ‘060, and ‘970 patents.

27. Kog’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, ‘891, ‘060 and ‘970 patents.

Prayer for Relief

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

A. An award of damages against Kog adequate to compensate Plaintiffs for the infringement that has occurred with respect to Kog, together with prejudgment interest from the date that Kog’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 Kog 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 4
Kog
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, Kog has infringed claims of '859, '891, '320, '645, '781, '359, '801, '060, and '970 patents through, among other activities, the commercial sale, offer and/or use of its "Web Tracking", "Event Manager" and "Track and Trace Forwarding System" programs/products/services/systems which include and use tracking and messaging technologies protected within the '859, '320, '645, '891, '781, '359, '801, '060 and '970 patents.

30. Kog'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, '891, '320, '645, '781, '359, '060, '801 and '970 patents.

Prayer for Relief

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

A. An award of damages against Kog adequate to compensate Plaintiffs for the infringement that has occurred with respect to Kog, together with prejudgment interest from the date that Kog'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 Kog 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 5
Toys "R" Us
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, Toys "R" Us 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. Toys "R" Us'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.

Prayer for Relief

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

A. An award of damages against Toys “R” Us adequate to compensate Plaintiffs for the infringement that has occurred with respect to Toys “R” Us, together with prejudgment interest from the date that Toys “R” Us’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 Toys “R” Us 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 6
Toys “R” Us
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, Toys “R” Us 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. Toys “R” Us’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.

Prayer for Relief

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

A. An award of damages against Toys "R" Us adequate to compensate Plaintiffs for the infringement that has occurred with respect to Toys "R" Us, together with prejudgment interest from the date that Toys "R" Us' 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 Toys "R" Us 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: April 19, 2011.

Respectfully submitted,

/s/ William R. McMahon
William R. McMahon, Esquire
Florida Bar Number: 39044
McMahon Law Firm, LLC
P.O. Box 880567
Boca Raton, Florida 33488
Telephone: 561-487-7135
Facsimile: 561-807-5900
E-Mail: bill@mlflc.com