

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

ArrivalStar S.A. and Melvino Technologies Ltd.

Plaintiff

v.

Central Puget Sound Regional Transit Authority

Defendant

Civil Action No. 12-cv-977 MAT

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Central Puget Sound Regional Transit Authority
Marcia Walker, Sound Transit Agency Clerk
401 South Jackson
Seattle, WA 98104

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David A. Lowe
Lowe Graham Jones PLLC
701 Fifth Avenue, Suite 4800
Seattle, WA 98104

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Handwritten signature of the Clerk of Court

Signature of Clerk or Deputy Clerk



Date: 06/11/2012

Civil Action No. 12-cv-977 MAT

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiffs,

v.

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY,

Defendants.

Civil Action No. 12-cv-977

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, by and through their undersigned attorneys, for their complaint against defendant the Central Puget Sound Regional Transit Authority 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. Plaintiff ArrivalStar S.A. is a corporation organized under the laws of Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

3. Plaintiff 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,



1 Road Town, Tortola, British Virgin Islands. Melvino is the owner of all right, title and interest
2 in, and has standing to sue for infringement of United States Patent No. 7,030,781 (“the ‘781
3 patent”), entitled “Notification system and method that informs a party of vehicle delay,” issued
4 April 18, 2006. A copy of the ‘781 patent is annexed hereto as Exhibit A.

5 4. ArrivalStar S.A. is the exclusive licensee of the ‘781 patent.

6 5. Defendant Central Puget Sound Regional Transit Authority is a special-purpose
7 metropolitan municipal corporation created pursuant to the Revised Code of Washington title 81
8 chapter 112 with a place of business at 401 South Jackson Street, Seattle, Washington 98104.
9 Defendant transacts business and has offered to provide and/or provided in this judicial district
10 services that infringe claims of the ‘781 patent.

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

12 DEFENDANT’S ACTS OF PATENT INFRINGEMENT

13 7. As part of its email and text alert subscription service, among other activities,
14 Defendant has infringed claims of the ‘781 patent. More specifically Defendant provides a
15 method for monitoring travel data associated with the vehicle, comparing the planned schedule
16 of a vehicle to the actual travel time to update vehicle status information, contacting a user’s
17 communication device in advance of the vehicle’s arrival, and notifying the user of a delayed
18 vehicle and updated arrival time based on vehicle status information, which method infringes at
19 least claim 1 of the ‘781 patent.

20 8. Defendant’s infringement has injured and will continue to injure Plaintiffs unless
21 and until this Court enters an injunction prohibiting further infringement and, specifically,
22 enjoining further use of methods and systems that come within the scope of the ‘781 patent.

23 PRAYER FOR RELIEF

24 WHEREFORE, Plaintiffs ask this Court to enter judgment against the Defendant, and
25 against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert
26 or participation with them, granting the following relief:

- 1 A. An award of damages adequate to compensate Plaintiffs for the infringement that
2 has occurred, together with prejudgment interest from the date that Defendant's
3 infringement of the '781 patent began;
- 4 B. Increased damages as permitted under 35 U.S.C. § 284;
- 5 C. A finding that this case is exceptional and an award to Plaintiffs' of their
6 attorneys' fees and costs as provided by 35 U.S.C. § 285;
- 7 D. A permanent injunction prohibiting further infringement, inducement and
8 contributory infringement of the '781 patent; and
- 9 E. Such other and further relief as this Court or a jury may deem proper and just.

10 RESPECTFULLY SUBMITTED this 7th day of June, 2012.

11 s/David A. Lowe, WSBA No. 24,453
12 Lowe@LoweGrahamJones.com
13 LOWE GRAHAM JONES^{PLLC}
14 701 Fifth Avenue, Suite 4800
15 Seattle, Washington 98104
16 T: 206.381.3300
17 F: 206.381.3301

18 Geoffrey D. Smith (*Pro Hac Vice* pending)
19 gsmith@dowellbaker.com
20 Anthony E. Dowell, (*Pro Hac Vice* pending)
21 aedowell@dowellbaker.com
22 DOWELL BAKER, P.C.
23 201 Main St., Suite 710
24 Lafayette, IN 47901
25 T: 765. 429.4004
26 F: 765. 429.4114

Attorneys for Plaintiffs ArrivalStar S.A. and
Melvino Technologies Limited