

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ARRIVALSTAR S.A. and	)	Civil Action No. 2:12-cv-977-TSZ
MELVINO TECHNOLOGIES LIMITED,	)	
Plaintiffs,	)	<b>SOUND TRANSIT’S FIRST</b>
v.	)	<b>SET OF INTERROGATORIES</b>
CENTRAL PUGET SOUND REGIONAL	)	<b>TO ARRIVALSTAR</b>
TRANSIT AUTHORITY d/b/a Sound Transit,	)	
Defendant.	)	

TO: PLAINTIFF ARRIVALSTAR S.A.  
AND TO: ARRIVALSTAR’S COUNSEL OF RECORD

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Central Puget Sound Regional Transit Authority (“Defendant” or “Sound Transit”) requests that Plaintiff ArrivalStar S.A. (“ArrivalStar) answer the following interrogatories separately, in writing, and under oath (as administered by an officer or authorized agent of Plaintiffs who is competent to testify on their behalf) within thirty (30) days after service hereof.

**DEFINITIONS AND INSTRUCTIONS**

The definitions and instructions below are intended to assist you in responding in accordance with the liberal policy underlying the Federal Rules. Unless the context indicates otherwise, the following words and phrases have the meanings given:

1           1.       “Plaintiffs,” “you” or “your” mean and refer to the plaintiffs in this action, and to  
2 all of their affiliated entities, persons, units, agents, agencies, divisions, departments, and  
3 nominees, including subsidiaries, instrumentalities, subdivisions, predecessors, successors and  
4 assignees of any of them, administrators, officers, directors, employees, agents, representatives,  
5 consultants, special assistants, joint ventures, contractors, and attorneys of any of them.

6           2.       “Sound Transit” and “Defendant” mean and refer to Defendant Central Puget  
7 Sound Regional Transit Authority named in this action, and to all of its agencies, divisions,  
8 departments, nominees, affiliated entities and units, including subsidiaries, instrumentalities,  
9 subdivisions, predecessors, successors and assignees of any of them, administrators, officers,  
10 directors, employees, agents, representatives, consultants, special assistants, joint ventures,  
11 contractors, and attorneys of any of them; and any persons who at any time acted by, through, or  
12 on behalf of any of them.

13           3.       The term “document” is used in the broadest possible sense as interpreted under  
14 the Federal Rules of Civil Procedure and includes, without limitation, all originals and copies,  
15 duplicates, drafts, and recordings of any written, graphic or otherwise recorded matter, however  
16 produced or reproduced, and all “writings” as defined in Section 1001 of the Federal Rules of  
17 Evidence including, *inter alia*, the following: abstracts, advertisements, agendas, agreements,  
18 analyses of any kind, articles, blueprints, brochures, charts, compilations, computer runs and  
19 printouts, letters, reports (including reports or notes of telephone or other conversations),  
20 memoranda, brochures, books, ledgers, drawings, photographs, specifications, drafts, catalogs,  
21 invoices, bills of materials, purchase orders, proposals, contracts, and other writings of  
22 whatsoever nature, whether on paper or magnetic tape or other non-paper information storage  
23 means, including film and computer memory devices; and where any such items contain any  
24 marking not appearing on the original or are altered from the original, then such items shall be  
25 considered to be separate original documents.

26           4.       The term “thing,” as used here, refers to any tangible object other than a document,

1 and includes objects of every kind and nature such as, but not limited to, models, samples,  
2 prototypes and commercial units, in each case, whether complete or not, or functional or not.

3 5. The terms “concerning,” “regarding,” “referring” or “relating” include referring  
4 to, alluding to, responding to, relating to, connected with, commenting upon, in respect of, about,  
5 regarding, discussing, showing, describing, reflecting, analyzing, touching upon, constituting,  
6 and being.

7 6. The term “person” or “persons” includes any individual, firm, partnership, association,  
8 joint venture, corporation, governmental agency, entity, or combination of any of the above.

9 7. The term “communication” includes any conversation, meeting, telephone call, e-  
10 mail, letter, memorandum, document, or other form of (verbal or nonverbal) communication.

11 8. The phrases “describe in detail” and “provide the factual basis” means to supply  
12 all facts — whether based on your personal knowledge, information, or belief — presently  
13 available to you, known by you, or inferred by you from the existence of other evidence or  
14 information.

15 9. The term “patent-in-suit” refers to U.S. Patent No. 7,030,781 (“the ‘781 patent”)  
16 entitled *Notification System and Method That Informs a Party of Vehicle Delay*.

17 10. The term “prior art” is used in its customary sense as contemplated by 35 U.S.C.  
18 §§ 102 and 103.

19 11. The term “transit systems” includes, but is not limited to, any method, service, or  
20 equipment used for human transportation purposes and any other past or current methods,  
21 services, or equipment whose function or use is substantially similar thereto.

22 12. As used herein, the singular form of a noun or pronoun includes within its  
23 meaning the plural form thereof and *vice versa*; the use of the masculine form of a pronoun will  
24 include within its meaning the feminine form of the pronoun and *vice versa*; the use of the tense  
25 of a verb will include all other tenses of the verb so used; and the use of “and” will include “or”  
26 and *vice versa*.

1           13. Each document shall be produced, if possible, as it is kept in the ordinary course  
2 of business in its original folder, file jacket, cover, separator or the like and shall be organized  
3 and labeled to correspond with the categories discovery request to which it is responsive.

4           14. With respect to each document or thing which is withheld, whether under claim of  
5 privilege or otherwise, provide the following information:

- 6                   (A). the date, identity and general subject matter of the document or thing, and  
7 the grounds asserted in support of the failure to produce the document or  
8 thing;
- 9                   (B). the identity of each person (other than stenographic or clerical assistants)  
10 participating in the preparation of the document or thing;
- 11                   (C). the identity of each person to whom the contents of the document or thing  
12 was communicated orally, by copy, by distribution, reading or substantial  
13 summarization;
- 14                   (D). a description of any document or other material transmitted with or  
15 attached to the document or thing;
- 16                   (E). the number of pages in the document;
- 17                   (F). the particular discovery request(s) and subpart(s) to which the document  
18 or thing is responsive; and
- 19                   (G). whether any business or non-legal matter is contained or discussed in the  
20 document or thing.

21           15. With respect to each document or thing which has been lost, discarded, or  
22 destroyed, or has been removed from defendant's possession, custody or control since its  
23 preparation or receipt:

- 24                   (A). identify the document or thing;
- 25                   (B). state when the document or thing was last in defendant's possession,  
26 custody, or control;
- (C). state the discovery request(s) it would otherwise be responsive to;
- (D). explain the circumstances of the loss, destruction or transfer from  
                  defendant's possession thereof; and
- (E). explain why and how the document or thing was transferred or destroyed,

1 who authorized and/or had knowledge of the transfer or destruction; and  
2 identify all persons having knowledge of the contents of the document or  
3 thing.

4 16. The term “identify” means:

5 (A). in the case of a natural person, to state the full name, the last known  
6 residence and telephone number, the last known employer or business  
7 affiliation and telephone number, and the last known occupation and  
8 business position or title held;

9 (B). in the case of any other person or entity, to state the full name, the place  
10 and date of incorporation or organization, the principal place of business,  
11 and identity of all natural persons having knowledge of the involvement of  
12 said other person or entity with the subject matter of the discovery request;

13 (C). in the case of a document, to state the type of document, the date of the  
14 document, the name and title or position of the person that is signatory to  
15 the document, or the name and title or position of the person who prepared  
16 the document, the name and title or position of each recipient or addressee  
17 of such document (whether specifically named therein or not) either at the  
18 time of initial distribution or at some subsequent time, and a brief  
19 statement of the subject matter of the document; and

20 (D). in the case of a “thing,” to describe such thing, its origin, the date  
21 obtained, its location and custodian.

22 17. If you do not have, and cannot ascertain, any information in your possession,  
23 custody, or control that it responsive to a discovery request, state that affirmatively *in lieu of*  
24 your answer.

25 18. If you object to answering only part of a discovery request, specify the part to  
26 which you object and answer the remainder.

19. These discovery requests require that you provide all responsive information in  
your possession, custody, or control regardless of whether the responsive information originated  
with you or is admissible under the Federal Rules of Evidence.

20. These discovery requests are continuing in nature and you are requested to  
promptly amend and supplement your answers, including as required by Fed. R. Civ. P. 26(e), if  
you obtain additional information requested by any discovery request, whether the newly  
obtained information would support, negate, or require amendment of your prior response.

1 INTERROGATORIES

2 INTERROGATORY NO. 1:

3 Identify each claim of the patent-in-suit (or any related patent) that Plaintiffs allege  
4 Sound Transit has infringed.

5 RESPONSE:

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8 INTERROGATORY NO. 2:

9 Identify each Sound Transit system that Plaintiffs allege infringes any ArrivalStar patent  
10 claim.

11 RESPONSE:

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14 INTERROGATORY NO. 3:

15 Describe in detail (by dates, locations, events, documents, and persons having  
16 knowledge) the facts and circumstances surrounding the development (including the conception,  
17 reduction to practice, and first use) of the subject matter claimed in the patent-in-suit.

18 RESPONSE:

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21 INTERROGATORY NO. 4:

22 List all prior art identified by third parties as being relevant to the patent-in-suit that was  
23 not disclosed during the prosecution of ArrivalStar’s patent applications.

24 RESPONSE:

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**INTERROGATORY NO. 5:**

Provide the complete factual basis for Plaintiffs' allegation that it is entitled to "increased" damages under 35 USC 284.

**RESPONSE:**

**INTERROGATORY NO. 6:**

Provide the complete factual basis for Plaintiffs' allegation that this is an "exceptional" case under 35 USC 285.

**RESPONSE:**

**INTERROGATORY NO. 7:**

Identify every entity from whom Plaintiffs have sought a license agreement or compensation related to the patent-in suit or related patents, and for each entity, provide (a) a description of such entity's infringing systems or technologies, (b) the patent number and claim that such entity's infringing systems or technologies infringe, (c) the first date on which Plaintiffs asserted that such entity infringed the patent-in-suit or related patents, (d) whether the entity has entered into a license agreement or settlement agreement with Plaintiffs, whether the negotiations are still ongoing, or whether the negotiations have concluded, (e) the total amount of compensation and type (license fees, royalty fees, etc.) paid to Plaintiffs by such entity, and (f) whether the license/settlement agreement is confidential.

**RESPONSE:**

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**INTERROGATORY NO. 8:**

Identify the status of every litigation that has been filed by Plaintiffs involving the patent-in-suit or related patents, including whether any compensation has been paid by the defendant(s) to Plaintiffs.

**RESPONSE:**

**INTERROGATORY NO. 9:**

Identify every witness that Plaintiffs intend to call at the trial of this matter and, for each such witness, provide a summary of the testimony or opinion the witness will express, the basis for such opinions (including any materials reviewed and relied upon), and a description of the personal knowledge or qualifications of each such person.

**RESPONSE:**

DATED this 17th day of August, 2012.

Respectfully submitted,

STOEL RIVES LLP

/s/ Brian C. Park

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**CERTIFICATE OF SERVICE**

I, Brian C. Park, certify under penalty of perjury under the laws of the United States that, on August 17, 2012, I caused the foregoing document to be served by the method indicated below on the parties listed below:

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- hand delivery
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- facsimile transmission
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Executed on August 17, 2012, at Seattle, Washington.

/s/ Brian C. Park  
Brian C. Park