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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF OREGON
18 PORTLAND DIVISION

19 ARRIVALSTAR S.A. and MELVINO) Case No. **CV '12 - 401 - SL**
20 TECHNOLOGIES, LIMITED,)
21) **COMPLAINT**
22 Plaintiffs,) Patent Infringement Action (35 U.S.C.
23) § 271)
24 v.)
25) **DEMAND FOR JURY TRIAL**
26 TRI-COUNTY METROPOLITAN)
27 TRANSPORTATION DISTRICT OF)
28 OREGON)
Defendant.)

#45816

1 Plaintiffs ArrivalStar S.A. and Melvino Technologies, Limited (collectively,
2 “ArrivalStar” or “Plaintiffs”), by and through their undersigned attorneys, for their
3 complaint against defendant Tri-County Metropolitan Transportation District of
4 Oregon (“Trimet”) (Trimet is referred to herein as “Defendant”) hereby allege as
5 follows:
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8 **NATURE OF LAWSUIT**

9 1. This action involves claims for patent infringement arising under the
10 patent laws of the United States, Title 35 of the United States Code. This Court
11 has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C.
12 § 1338(a).
13

14 2. Venue exists in this judicial district pursuant to 28 U.S.C. §§ 1391 and
15 1400(b) in that the Defendants reside in this judicial district and/or have committed
16 acts of infringement herein.
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19 **THE PARTIES**

20 3. ArrivalStar S.A. is a corporation organized under the laws of
21 Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.
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23 4. Melvino Technologies, Limited is a corporation organized under the
24 laws of the British Virgin Island of Tortola, having offices at P.O. Box 3152, RG
25 Hodge Building, Road Town, Tortola, British Virgin Islands.
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1 5. Melvino Technologies, Limited owns all right, title and interest in,
2 and ArrivalStar S.A. is exclusive licensee of, United States Patent No. 6,714,859
3 (“the ‘859 patent”), entitled “System and method for an advance notification
4 system for monitoring and reporting proximity of a vehicle,” issued March 30,
5 2004. A copy of the ‘859 patent is annexed hereto as Exhibit A. Melvino
6 Technologies, Limited and ArrivalStar S.A. have standing to sue for infringement
7 of the ‘859 patent.
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10 6. Defendant TriMet is a municipal corporation of the State of Oregon
11 with a place of business at 4012 Southeast 17th Avenue, Portland, Oregon 97202.
12 TriMet transacts business and has, at a minimum, offered to provide and/or
13 provided in this judicial district and throughout the State of Oregon services that
14 infringe claims of the ‘859 patent.
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17 7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).
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19 **DEFENDANT TRIMET’S ACTS OF PATENT INFRINGEMENT**
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21 8. Defendant TriMet has infringed claims of the ‘859 patent through,
22 among other activities, the use of TriMet’s TransitTracker system.
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24 9. Defendant’s infringement has injured and will continue to injure
25 ArrivalStar unless and until this Court enters an injunction prohibiting further
26 infringement and, specifically, enjoining further use of methods and systems that
27 come within the scope of the ‘859 patent.
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PRAYER FOR RELIEF

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WHEREFORE, Plaintiffs ask this Court to enter judgment against the Defendant, 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'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, 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: March 6, 2012

MARGER JOHNSON & McCOLLOM, P.C.

By 

Alexander C. Johnson, Jr.
Oregon State Bar No. 782588

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