

4. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 6,317,060 (“the ‘060 patent”), entitled “Base System and method for monitoring travel of mobile vehicle and communicating notification messages,” issued November 13, 2001. A copy of the ‘060 patent is annexed hereto as Exhibit A.

5. ArrivalStar owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 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 annexed hereto as Exhibit B.

6. Defendant MBTA is a legislatively created entity, under Massachusetts General Laws, Chapter 161A, with a principle place of business at the State Transportation Building, 10 Park Plaza, Boston Massachusetts 02116. The MBTA transacts business and has, at a minimum, offered to provide and/or provided in this judicial district and throughout the State of Massachusetts services that infringe claims of the ‘060 and ‘781 patents.

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

DEFENDANT MBTA’S ACTS OF PATENT INFRINGEMENT

8. Defendant MBTA has infringed claims of the ‘060 and ‘781 patents through, among other activities, the use of MBTAs T-Alerts vehicle tracking system. The MBTA has also infringed the ‘060 and ‘781 patents by knowingly and actively inducing others to infringe and by contributing to the infringement by others of, such patents.

9. The MBTA’s T-Alert system receives data associated with buses, boats, and trains.

10. The MBTA system monitors the location of vehicles.

11. The MBTA T-Alert system includes line/route information for busses, boats, and trains.
12. The MBTA T-Alert system includes schedule information for busses and trains.
13. The MBTA's T-Alert system is configured to allow users to select the days of the week and times of the day to receive notification alerts.
14. The MBTA's T-Alert system is configured to allow users to elect to receive notification alert between 5:00 AM and 9:30 AM.
15. During the particular time periods selected by users, the MBTA T-Alert system determines if notifications should be transmitted to the users.
16. The MBTA T-Alert system monitors train movement relative to a planned schedule and transmits alert notifications if the train is delayed more than 15 minutes.
17. The MBTA T-Alert system is configured to notify users if a train, traveling a planned route, is delayed.
18. The MBTA T-Alert system is configured to notify users if a train will not arrive at a scheduled stop by a scheduled time.
19. The MBTA T-Alert system provides users with updated timing information for vehicles traveling a planned route.
20. On September 9th, 2009, the MBTA T-Alert system notified users that the vehicles of Route 1 would arrive 15 to 20 minutes after their planned arrival times due to a working fire on Massachusetts Avenue.
21. The MBTA T-Alert system transmits T-Alert notifications to users' computers, phones and pagers.

22. The MBTA T-Alert system is configured to simultaneously transmit T-Alert notifications to users' computers, phones, and pagers.

23. The MBTA T-Alert system is configured to transmit a T-Alert notification to a user via both email and SMS text message.

24. Defendant MBTA's infringement, contributory infringement and inducement to infringe has injured and will continue to injure ArrivalStar unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '060 and '781 patents.

PRAYER FOR RELIEF

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 17, 2010

Respectfully submitted,



William E. Hilton, BBO #559515
Matthew E. Connors, BBO #557105
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
(617) 426-9180