

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ARRIVALSTAR S.A. and MELVINO	)	
TECHNOLOGIES LIMITED,	)	
	)	
Plaintiffs,	)	<b>Case No.: CV 12-1225-JVS (RNBx)</b>
vs.	)	<b>Hon. James V. Selna</b>
	)	
MEITEK, INC., et.al,	)	
	)	
Defendants.	)	

**PLAINTIFFS RESPONSE TO FIRST SET OF INTERROGATORIES**

Now comes the above-named Plaintiffs, ArrivalStar S.A. and Melvino Technologies Limited (“Plaintiffs” or “ArrivalStar”) and by its undersigned attorneys, state as follows in response to Defendant’s First Set of Interrogatories:

**GENERAL OBJECTIONS**

A. Plaintiffs object to each interrogatory to the extent that it asks Plaintiffs to provide information beyond that required by the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and the rules or orders of this Court.

B. Plaintiffs object to each interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work-product doctrine or any other applicable privilege or immunity. All responses herein and documents produced in connection herewith are subject to this reservation and no response is intended to waive either privilege.

C. By providing answers to Defendant’s interrogatories, Plaintiffs do not admit the relevance of such information to the subject matter of this litigation.

11 motion for sanctions, as such discovery is not allowed without leave of court and only in “extraordinary circumstances.” Vasudevan Software, Inc. v. Int’l Bus. Machines Corp., C09-05897 RS HRL, 2011 WL 940263 (N.D. Cal. Feb. 18, 2011)(Discovery relating to Rule 11 sanctions “should be conducted only by leave of the court, and then only in extraordinary circumstances.” quoting Fed. R. Civ. P. 11 Advisory Committee Notes to the 1983 Amendment (emphasis in Vasudevan).

Subject to and without waiving the foregoing objections, pursuant to Rule 33(d) of the Fed. R. Civ. P., Plaintiffs have or will produce documents which show Meitek’s infringement of the ArrivalStar patents. Furthermore, Plaintiffs have provided detailed claim charts specifically showing how claims of the patents-in-suit are infringed by Meitek and have provided claim charts with Plaintiffs Infringement Contentions as required by the parties Joint Report and the Local Patent Rules for the Northern District of California.

**Interrogatory No. 6:**

**State, for each patent claim you contend to be infringed by Meitek, the date, and how, you first formed the belief that Meitek infringed.**

**RESPONSE:**

Plaintiffs object to this request to the extent that it seeks attorney client privileged information or attorney work product. Plaintiffs object to this request to the extent that it seeks discovery in relation to Plaintiffs’ pre-filing investigation and relates to Defendant’s alleged Rule 11 motion for sanctions, as such discovery is not allowed without leave of court and only in “extraordinary circumstances.” Vasudevan Software, Inc. v. Int’l Bus. Machines Corp., C09-05897 RS HRL, 2011 WL 940263 (N.D. Cal. Feb. 18, 2011)(Discovery relating to Rule 11 sanctions “should be conducted only by leave of the court, and then only in extraordinary

circumstances.” quoting Fed. R. Civ. P. 11 Advisory Committee Notes to the 1983 Amendment (emphasis in Vasudevan).

Subject to and without waiving the foregoing objections, Plaintiffs have produced Initial Infringement Contentions pursuant to the parties’ Joint Report, showing how each claim of the patents in suit is infringed by Meitek.

**Interrogatory No. 7:**

**State in detail all facts supporting your allegation that Meitek's infringement has been willful, including the identity of all people with knowledge of the facts on which you rely and the identity of all documents that prove or tend to prove the facts on which you rely.**

**RESPONSE:**

Plaintiffs object this Interrogatory as premature because discovery has just begun.

Subject to the general objections above and without waiving any objections, Plaintiffs will supplement this Interrogatory as discovery proceeds.

**Interrogatory No. 8:**

**Identify each person who participated in the decision to bring this suit for patent infringement against Defendants.**

**RESPONSE:**

Plaintiffs object to this request to the extent that it seeks attorney client privileged information or attorney work product. Plaintiffs object to this request to the extent that it seeks discovery in relation to Plaintiffs’ pre-filing investigation and relates to Defendant’s alleged Rule 11 motion for sanctions, as such discovery is not allowed without leave of court and only in “extraordinary circumstances.” Vasudevan Software, Inc. v. Int’l Bus. Machines Corp., C09-05897 RS HRL, 2011 WL 940263 (N.D. Cal. Feb. 18, 2011)(Discovery relating to Rule 11 sanctions “should be conducted only by leave of the court, and then only in extraordinary

circumstances.” quoting Fed. R. Civ. P. 11 Advisory Committee Notes to the 1983 Amendment (emphasis in Vasudevan).

Subject to and without waiving the foregoing objections, counsel of record for Plaintiffs and Brian Lynch participated in the decision to bring this suit for patent infringement against Defendants.

**Interrogatory No. 9:**

**Identify all opinions that you or your counsel have received asserting that any ArrivalStar Patent is invalid or not infringed.**

**RESPONSE:**

Plaintiffs object to this Interrogatory to the extent that it calls for a compilation, abstract, audit or summary of documents being produced by Plaintiffs, because such preparation would be similarly burdensome or expensive to all parties. Plaintiffs object to this Interrogatory to the extent that it seeks Plaintiffs’ legal reasoning or the legal theories behind Plaintiffs’ contentions. Plaintiffs are not required to prepare Defendant’s case.

Subject to and without waiving the foregoing objections, pursuant to Rule 33(d) of the Fed. R. Civ. P., Plaintiffs have or will produce documents wherein the requested information can be derived or ascertained.

**Interrogatory No. 10:**

**State the total amount of license fees or royalties you have received from licensing the ArrivalStar Patents.**

**RESPONSE:**

Plaintiffs object to this Interrogatory to the extent that it calls for a compilation, abstract, audit or summary of documents being produced by Plaintiffs, because such preparation would be similarly burdensome or expensive to all parties.

Subject to and without waiving the foregoing objections, pursuant to Rule 33(d) of the Fed. R. Civ. P., Plaintiffs have or will produce documents wherein the requested information can be derived or ascertained.

**Interrogatory No. 11:**

**Identify all persons or entities that have agreed to license any right under any ArrivalStar Patent, and for each such person or entity, state the amount of royalties or license fees the person or entity agreed to pay; and the amount of royalties or license fees the person or entity has actually paid.**

**RESPONSE:**

Plaintiffs object to this Interrogatory to the extent that it calls for a compilation, abstract, audit or summary of documents being produced by Plaintiffs, because such preparation would be similarly burdensome or expensive to all parties.

Subject to and without waiving the foregoing objections, pursuant to Rule 33(d) of the Fed. R. Civ. P., Plaintiffs have or will produce documents wherein the requested information can be derived or ascertained.

**Interrogatory No. 12:**

**Identify each officer, director, owner and co-owner of each Plaintiff, and for each, state the person or entity's name, address, phone number, email address.**

**RESPONSE:**

Plaintiffs object to this Interrogatory as overly broad and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Plaintiffs object to this Interrogatory as it is a compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. Plaintiffs object to the extent

that this request seeks personal information of employees of Plaintiffs which is protected under their right of privacy.

Subject to and without waiving the foregoing objections, the following individuals are directors of ArrivalStar S.A.: Martin Bowen, Jade Rowe, Mark Davies, Christian Buhlmann, and Alexandre Taskiran; and the following entity is the corporate director of Melvino Technologies Limited: Miasma Advisors Limited.

**Interrogatory No. 13:**

**State the name, and all addresses, email address and phone numbers for each person identified as an inventor of each ArrivalStar Patent.**

**RESPONSE:**

Plaintiffs object to this Interrogatory as it is a compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. Plaintiffs object to the extent that this request seeks personal information of employees of Plaintiffs which is protected under their right of privacy.

Subject to and without waiving the foregoing objections, David Laird and Martin Kelly Jones are identified as inventors on the ArrivalStar patents-in-suit. Mr. Jones can be contacted care of Dowell Baker, P.C., 201 Main Street, Lafayette, IN 47901. Plaintiffs do not have contact information for David Laird.

**Interrogatory No. 14:**

**For each plaintiff, and for each of Meitek's requests in its First Request for Production of Documents, identify each Plaintiff's custodian of records.**

**RESPONSE:**

Plaintiffs object to this Interrogatory as vague and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Plaintiffs also object to this Interrogatory as it is a

compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. This interrogatory improperly seeks the answer to at least thirty-four (34) unique and different questions for each Plaintiff in response to each Request for Production. Counting subparts, Defendant has exceeded the limit of 25 interrogatories and, as such, Plaintiffs object to this Interrogatory as Defendant has exceeded the number of interrogatories, subparts included, (25) permitted by Rule 33 of the Fed. R. Civ. P.

**Interrogatory No. 15:**

**Describe in detail the pre-suit investigation and the basis for the decision to file this suit for patent infringement. Include in your answer a description of the documents and things reviewed, evaluated, and created during the pre-suit investigation in making the decision.**

**RESPONSE:**

Plaintiffs object to this request to the extent that it seeks attorney client privileged information or attorney work product. Plaintiffs object to this request to the extent that it seeks discovery in relation to Plaintiffs' pre-filing investigation and relates to Defendant's alleged Rule 11 motion for sanctions, as such discovery is not allowed without leave of court and only in "extraordinary circumstances." Vasudevan Software, Inc. v. Int'l Bus. Machines Corp., C09-05897 RS HRL, 2011 WL 940263 (N.D. Cal. Feb. 18, 2011)(Discovery relating to Rule 11 sanctions "should be conducted only by leave of the court, and then only in extraordinary circumstances." quoting Fed. R. Civ. P. 11 Advisory Committee Notes to the 1983 Amendment (emphasis in Vasudevan).

Counting subparts, Defendant has exceeded the limit of 25 interrogatories and, as such, Plaintiffs object to this Interrogatory as Defendant has exceeded the number of interrogatories, subparts included, (25) permitted by Rule 33 of the Fed. R. Civ. P.

**Interrogatory No. 16:**

**State all facts on which you based the following allegations in the Complaint:**

15. **On February 7, 2012, Meitek hosted a United State version of its MS02 tracking system on a computer server located in Las Vegas, Nevada that was accessible through uniform resource locator address of <http://www1.trackingmate.com>.**
17. **JNetwork has infringed claims of the ArivalStar Patents through the use and sale of JNetwork's Falcon Vision Web Portal and GoldenEagle Tracker MVT 600 systems.**
18. **JNetwork resells Meitek's MS02 system as a Falcon Vision Web Portal and Meitek's MVT600 as a GoldenEagle Tracker MVT 600**

**RESPONSE:**

Plaintiffs object to this request as unduly burdensome and overly broad. A request seeking "all facts" is overly broad and unduly burdensome on its face. In re eBay Seller Antitrust Litig., C 07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008); see also, Safeco of Am. v. Rawstron, 181 F.R.D. 441, 447-48 (C.D. Cal. 1998). Plaintiffs object to this request to the extent that it seeks discovery in relation to Plaintiffs' pre-filing investigation and relates to Defendant's alleged Rule 11 motion for sanctions, as such discovery is not allowed without leave of court and only in "extraordinary circumstances." Vasudevan Software, Inc. v. Int'l Bus. Machines Corp., C09-05897 RS HRL, 2011 WL 940263 (N.D. Cal. Feb. 18, 2011)(Discovery relating to Rule 11 sanctions "should be conducted only by leave of the court, and then only in extraordinary circumstances." quoting Fed. R. Civ. P. 11 Advisory Committee Notes to the 1983 Amendment (emphasis in Vasudevan).

Plaintiffs object to this Interrogatory as it is a compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. This interrogatory improperly seeks the answer to at least three (3) unique and different questions. Counting subparts, Defendant has exceeded the limit of 25 interrogatories and, as such, Plaintiffs object to this Interrogatory as Defendant has exceeded the number of interrogatories, subparts included, (25) permitted by Rule 33 of the Fed. R. Civ. P.

Subject to and without waiving the forgoing objections, pursuant to Rule 33(d) of the Fed. R. Civ. P., Plaintiffs have or will produce documents wherein the requested information can be derived or ascertained. In addition, On February 7, 2012 Meitek advertised that the MS02 server was available on <http://www1.trackingmate.com>. An IP location search revealed the IP address of <http://www1.trackingmate.com> was 67.203.13.26 and was hosted in Las Vegas, Nevada. Evidence of JNetwork's infringement was available at <http://jnetworkgps.com/>. Publicly available information and documents regarding JNetwork and Meitek products and systems indicated that JNetwork resells Meitek's products and systems.

**Interrogatory No. 17:**

**If any of your responses to any of Meitek, Inc.'s Requests for Admission to you is anything other than an unqualified admission, state with particularity the reasons why you are unable to admit the request(s).**

**RESPONSE:**

Plaintiffs object to this Interrogatory as it is a compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. This interrogatory improperly seeks the answer to at least ten (10) unique and

**Interrogatory No. 19:**

**Identify the name and address of each of each Plaintiffs' custodian of records for documents relating to: (a) its claims that others have infringed any ArrivalStar Patent; and (b) its litigation files relating to enforcement of ArrivalStar Patents.**

**RESPONSE:**

Plaintiffs object to this Interrogatory as it is a compound interrogatory, attempting to fit separate and independent questions into a single interrogatory for the purpose of improperly traversing the limitation on the number of interrogatories established by the Federal Rules of Civil Procedure. Counting subparts, Defendant has exceeded the limit of 25 interrogatories and, as such, Plaintiffs object to this Interrogatory as Defendant has exceeded the number of interrogatories, subparts included, (25) permitted by Rule 33 of the Fed. R. Civ. P.

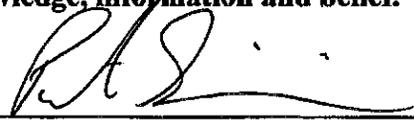
Dated: August 22, 2012

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**ATTORNEYS FOR PLAINTIFFS  
ARRIVALSTAR S.A. and  
MELVINO TECHNOLOGIES LIMITED**

**VERIFICATION**

**I, Pete Sirianni, state under penalty of perjury that I have read the foregoing responses to interrogatories, am knowledgeable about the contents thereof and the responses are true to the best of my knowledge, information and belief.**

  
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**Pete Sirianni**