



02 02-21-1983

A RESOLUTION

BY PUBLIC SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF JONES, DAY, REAVIS & POGUE TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH THE LAWSUIT FILED AGAINST THE CITY OF ATLANTA AND OTHERS IN FEDERAL COURT, IN THE NORTHERN DISTRICT OF GEORGIA, ENTITLED ARRIVAL STAR INC. VS. DELTA AIR LINES, INC., ET AL., CASE NUMBER 1:02-CV-2543; TO AUTHORIZE EXPENDITURE FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000.00, TO BE PAID FROM ACCOUNT NUMBER 2H01 524001 T31001; AND FOR OTHER PURPOSES.

WHEREAS, Arrival Star, Inc. (“Arrival Star”) is the owner of certain patents that pertain to tracking and communicating airplane flight information and ground vehicle information; and

WHEREAS, Arrival Star has filed a federal lawsuit in the Northern District of Georgia, case number 1:02-CV-2543, entitled Arrival Star Inc. vs. Delta Air Lines, Inc., et al. (“the Lawsuit”). The Lawsuit is filed against fifteen different defendants, including the City of Atlanta (“the City”), and alleges that the Defendants are infringing upon Arrival Star’s patents. With regard to the City, Arrival Star is challenging the technology used by the City, and specifically by Hartsfield Atlanta International Airport, to track and communicate flight arrivals and departures; and

WHEREAS, patent law is a specialized area of the law. No attorneys in the City’s Department of Law possess an expertise in the area of patent law; and

WHEREAS, the City Attorney has determined that, in order to effectively represent the City in the Lawsuit, the attorney(s) handling the lawsuit must have an expertise in the area of patent law; and

WHEREAS, most of the law firms that specialize in patent law are representing one or more of the Defendants in the Lawsuit. The City Attorney determined that it would be economically advantageous to the City to hire one of these law firms in order to share costs that are not specific to the City’s case. The City Attorney further determined that in order to avoid a potential conflict of interest, the City should hire a law firm that is representing one of the Lawsuit’s Defendants that does not do business nor desire to do business at Hartsfield Atlanta International Airport; and



WHEREAS, one of the only Lawsuit Defendants that does not do business nor desire to do business at Hartsfield Atlanta International Airport is Roadway Express, Inc. Roadway Express, Inc. is a package delivery business that delivers packages by truck. Roadway Express, Inc. has retained Jones, Day, Reavis & Pogue to represent it in the Lawsuit; and

WHEREAS, the attorneys at Jones, Day, Reavis & Pogue representing Roadway Express, Inc. specialize in the area of patent law and have an excellent reputation; and

WHEREAS, the City Attorney recommends that the City retain Jones, Day, Reavis & Pogue to represent the City in the Lawsuit;

WHEREAS, patent lawsuits are time and document intensive and are therefore extremely expensive to defend; and

WHEREAS, Jones, Day, Reavis & Pogue are not able to estimate the total cost of defending the Lawsuit at this time; and

WHEREAS, the City Attorney is requesting authorization to expend funds to reimburse Jones, Day, Reavis & Pogue in an amount not to exceed one hundred thousand dollars (\$100,000.00), with the understanding that defending the Lawsuit will likely be far more expensive than \$100,000.00, and that the City Attorney will return to the City Council in the future with a status report on the Lawsuit and a request for authorization for additional funds if necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney be and is hereby authorized to retain the law firm of Jones, Day, Reavis & Pogue to serve as outside counsel representing the City in the lawsuit entitled Arrival Star Inc. vs. Delta Air Lines, Inc., et al., case number 1:02-CV-2543, filed in the Northern District of Georgia federal court.

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Jones, Day, Reavis & Pogue in connection with the Lawsuit, that are approved for payment by the City Attorney, in an amount not to exceed one hundred thousand dollars (\$100,000), to be paid from Fund Account and Center Number 2H01 524001 T31001.

A true copy,

Deputy Clerk

**ADOPTED by the Council
APPROVED by the Mayor**

NOV 18, 2002
NOV 26, 2002

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|-------------|-----------|------------|
| NV Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| NV Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Boazman | NV Woolard |

CONSENT I

11/18/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
15. 02-R-1952
16. 02-R-1966
17. 02-R-1996
18. 02-R-2000
19. 02-R-1951
20. 02-R-1954
21. 02-R-1978
22. 02-R-1983
23. 02-R-1984
24. 02-R-1856
25. 02-R-1931
26. 02-R-1932
27. 02-R-1933
28. 02-R-1934
29. 02-R-1935
30. 02-R-1936

**ITEMS ADVERSED
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)

Items Removed from Consent: 02-R-1982; 02-R-1882

02 R 1983

02-R-1983
(Do Not Reuse 1983)

A RESOLUTION

BY PUBLIC SAFETY COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF JONES, DAY, REAVIS & POGUE TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH THE LAWSUIT FILED AGAINST THE CITY OF ATLANTA AND OTHERS IN FEDERAL COURT, IN THE NORTHERN DISTRICT OF GEORGIA, ENTITLED ARRIVAL STAR INC. VS. DELTA AIRLINES, INC., ET AL., CASE NUMBER 1:02-CV-2543; TO AUTHORIZE EXPENDITURE FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000.00, TO BE PAID FROM ACCOUNT NUMBER 2H01 524001 T31001; AND FOR OTHER PURPOSES.

APPROVED BY:
Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee

11/12/02 Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Delta Smith
John Smith

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

ADOPTED BY

NOV 18 2002

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

NOV 18 2002

CERTIFIED
NOV 18 2002
Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

NOV 26 2002
Stanley Frankel