

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED ACCESS §  
TECHNOLOGIES, LLC, §

Plaintiff, §

v. §

FRONTIER COMMUNICATIONS §  
CORP., §  
CITIZENS TELECOM SERVICES §  
COMPANY L.L.C., §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF CALIFORNIA, INC., §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF IDAHO, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF ILLINOIS, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF MINNESOTA, LLC, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF MONTANA, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF NEBRASKA, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF NEVADA, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF NEW YORK, INC., §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF OREGON, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF TENNESSEE, L.L.C., §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF THE VOLUNTEER §  
STATE LLC, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF THE WHITE §  
MOUNTAINS, INC., §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF UTAH, §  
CITIZENS TELECOMMUNICATIONS §  
COMPANY OF WEST VIRGINIA, §  
CITIZENS UTILITIES RURAL §

CIVIL ACTION NO. \_\_\_\_\_

JURY TRIAL DEMANDED

COMPANY, INC., §  
COMMONWEALTH §  
COMMUNICATION, LLC, §  
COMMONWEALTH TELEPHONE §  
COMPANY LLC, §  
COMMONWEALTH TELEPHONE §  
ENTERPRISES LLC, §  
COMMONWEALTH TELEPHONE §  
ENTERPRISES, LLC, §  
CTSI, LLC, §  
FRONTIER COMMUNICATIONS – §  
MIDLAND, INC., §  
FRONTIER COMMUNICATIONS – §  
PRAIRIE, INC., §  
FRONTIER COMMUNICATIONS – §  
SCHUYLER, INC., §  
FRONTIER COMMUNICATIONS – §  
ST. CROIX, L.L.C., §  
FRONTIER COMMUNICATIONS §  
ILEC HOLDINGS INC., §  
FRONTIER COMMUNICATIONS §  
NORTHWEST INC., §  
FRONTIER COMMUNICATIONS OF §  
ALABAMA, LLC, §  
FRONTIER COMMUNICATIONS OF §  
AMERICA, INC., §  
FRONTIER COMMUNICATIONS OF §  
AUSABLE VALLEY, INC., §  
FRONTIER COMMUNICATIONS OF §  
BREEZEWOOD, LLC, §  
FRONTIER COMMUNICATIONS OF §  
CANTON, LLC, §  
FRONTIER COMMUNICATIONS OF §  
DEPUE, INC., §  
FRONTIER COMMUNICATIONS OF §  
FAIRMOUNT LLC, §  
FRONTIER COMMUNICATIONS OF §  
GEORGIA LLC, §  
FRONTIER COMMUNICATIONS OF §  
ILLINOIS, INC., §  
FRONTIER COMMUNICATIONS OF §  
INDIANA LLC, §  
FRONTIER COMMUNICATIONS OF §  
IOWA, LLC, §  
FRONTIER COMMUNICATIONS OF §  
LAKESIDE, INC., §

**FRONTIER COMMUNICATIONS OF §**  
**LAKEWOOD, LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**LAMAR COUNTY, LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**MICHIGAN, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**MINNESOTA, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**MISSISSIPPI LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**MONDOVI LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**MT. PULASKI, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**NEW YORK, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**ORION, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**OSWAYO RIVER LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**PENNSYLVANIA, LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**ROCHESTER, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**SENECA-GORHAM, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**SYLVAN LAKE, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**THE CAROLINAS INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**THE SOUTH, LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**THE SOUTHWEST INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**THORNTOWN LLC, §**  
**FRONTIER COMMUNICATIONS OF §**  
**VIRGINIA, INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**VIROQUA LLC, §**  
**FRONTIER COMMUNICATIONS §**  
**WEST COAST INC., §**  
**FRONTIER COMMUNICATIONS OF §**  
**WISCONSIN LLC, §**  
**FRONTIER COMMUNICATIONS §**  
**ONLINE AND LONG DISTANCE INC., §**

**FRONTIER INFOSERVICES INC.,** §  
**FRONTIER MIDSTATES INC.,** §  
**FRONTIER NORTH INC.,** §  
**FRONTIER SUBSIDIARY TELCO** §  
**LLC,** §  
**FRONTIER TELEPHONE OF** §  
**ROCHESTER, INC.,** §  
**FRONTIER WEST VIRGINIA INC.,** §  
**GVN SERVICES,** §  
**NAVAJO COMMUNICATIONS** §  
**COMPANY, INC.,** §  
**OGDEN TELEPHONE COMPANY,** §  
**RHINELANDER** §  
**TELECOMMUNICATIONS, LLC, AND** §  
**RHINELANDER TELEPHONE, L.L.C.,** §  
 §  
**Defendants.** §

**COMPLAINT**

Plaintiff United Access Technologies, LLC (hereinafter “United Access” or “Plaintiff”), by and through its undersigned counsel, files this Complaint against Defendants Frontier Communications Corp., Citizens Telecom Services Company L.L.C., Citizens Telecommunications Company of California, Inc., Citizens Telecommunications Company of Idaho, Citizens Telecommunications Company of Illinois, Citizens Telecommunications Company of Minnesota, LLC, Citizens Telecommunications Company of Montana, Citizens Telecommunications Company of Nebraska, Citizens Telecommunications Company of Nevada, Citizens Telecommunications Company of New York, Inc., Citizens Telecommunications Company of Oregon, Citizens Telecommunications Company of Tennessee, L.L.C., Citizens Telecommunications Company of the Volunteer State LLC, Citizens Telecommunications Company of the White Mountains, Inc., Citizens Telecommunications Company of Utah, Citizens Telecommunications Company of West Virginia, Citizens Utilities Rural Company, Inc., Commonwealth Communication, LLC, Commonwealth Telephone Company LLC,

Commonwealth Telephone Enterprises LLC, Commonwealth Telephone Enterprises, LLC, CTSI, LLC, Frontier Communications – Midland, Inc., Frontier Communications – Prairie, Inc., Frontier Communications – Schuyler, Inc., Frontier Communications – St. Croix, L.L.C., Frontier Communications ILEC Holdings Inc., Frontier Communications Northwest Inc., Frontier Communications of Alabama, LLC, Frontier Communications of America, Inc., Frontier Communications of AuSable Valley, Inc., Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of DePue, Inc., Frontier Communications of Fairmount LLC, Frontier Communications of Georgia LLC, Frontier Communications of Illinois, Inc., Frontier Communications of Indiana LLC, Frontier Communications of Iowa, LLC, Frontier Communications of Lakeside, Inc., Frontier Communications of Lakewood, LLC, Frontier Communications of Lamar County, LLC, Frontier Communications of Michigan, Inc., Frontier Communications of Minnesota, Inc., Frontier Communications of Mississippi LLC, Frontier Communications of Mondovi LLC, Frontier Communications of Mt. Pulaski, Inc., Frontier Communications of New York, Inc., Frontier Communications of Orion, Inc., Frontier Communications of Oswayo River LLC, Frontier Communications of Pennsylvania, LLC, Frontier Communications of Rochester, Inc., Frontier Communications of Seneca-Gorham, Inc., Frontier Communications of Sylvan Lake, Inc., Frontier Communications of the Carolinas Inc., Frontier Communications of the South, LLC, Frontier Communications of the Southwest Inc., Frontier Communications of Thorntown LLC, Frontier Communications of Virginia, Inc., Frontier Communications of Viroqua LLC, Frontier Communications West Coast Inc., Frontier Communications of Wisconsin LLC, Frontier Communications Online and Long Distance Inc., Frontier InfoServices Inc., Frontier Midstates Inc., Frontier North Inc., Frontier Subsidiary Telco LLC, Frontier Telephone of Rochester, Inc.,

Frontier West Virginia Inc., GVN Services, Navajo Communications Company, Inc., Ogden Telephone Company, Rhinelander Telecommunications, LLC, and Rhinelander Telephone, L.L.C. (collectively, “Defendants”) as follows:

**PARTIES**

1. United Access is a Delaware limited liability corporation with its principal place of business at 8300 Greensboro Drive, Suite 800, McLean, Virginia 22102. United Access does not develop or sell any products and/or processes and is not a direct competitor of Frontier.

2. Upon information and belief, Frontier Communications Corp. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications Corp. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Upon information and belief, Citizens Telecom Services Company L.L.C. is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecom Services Company L.L.C. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecom Services Company L.L.C. is a wholly owned subsidiary of Frontier Communications Corp.

4. Upon information and belief, Citizens Telecommunications Company of California, Inc. is a California corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of California, Inc. may be served with process through the Secretary of State for the

State of Delaware. Upon information and belief, Citizens Telecommunications Company of California, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

5. Upon information and belief, Citizens Telecommunications Company of Idaho is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Idaho may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Idaho is a wholly owned subsidiary of Frontier Communications Corp.

6. Upon information and belief, Citizens Telecommunications Company of Illinois is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Illinois may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Citizens Telecommunications Company of Illinois is a wholly owned subsidiary of Frontier Communications Corp.

7. Upon information and belief, Citizens Telecommunications Company of Minnesota, LLC is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Minnesota, LLC may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Minnesota, LLC is a wholly owned subsidiary of Frontier Communications Corp.

8. Upon information and belief, Citizens Telecommunications Company of Montana is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Montana may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Montana is a wholly owned subsidiary of Frontier Communications Corp.

9. Upon information and belief, Citizens Telecommunications Company of Nebraska is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Nebraska may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Nebraska is a wholly owned subsidiary of Frontier Communications Corp.

10. Upon information and belief, Citizens Telecommunications Company of Nevada is a Nevada corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Nevada may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Citizens Telecommunications Company of Nevada is a wholly owned subsidiary of Frontier Communications Corp.

11. Upon information and belief, Citizens Telecommunications Company of New York, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications



Company of New York, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Citizens Telecommunications Company of New York, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

12. Upon information and belief, Citizens Telecommunications Company of Oregon is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Oregon may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Oregon is a wholly owned subsidiary of Frontier Communications Corp.

13. Upon information and belief, Citizens Telecommunications Company of Tennessee, L.L.C. is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Tennessee, L.L.C. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Tennessee, L.L.C. is a wholly owned subsidiary of Frontier Communications Corp.

14. Upon information and belief, Citizens Telecommunications Company of the Volunteer State LLC is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of the Volunteer State LLC may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209

Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of the Volunteer State LLC is a wholly owned subsidiary of Frontier Communications Corp.

15. Upon information and belief, Citizens Telecommunications Company of the White Mountains, Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of the White Mountains, Inc. may be served with process by serving its registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Upon information and belief, Citizens Telecommunications Company of the White Mountains, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

16. Upon information and belief, Citizens Telecommunications Company of Utah is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of Utah may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Telecommunications Company of Utah is a wholly owned subsidiary of Frontier Communications Corp.

17. Upon information and belief, Citizens Telecommunications Company of West Virginia is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Telecommunications Company of West Virginia may be served with process by serving its registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington,

Delaware 19808. Upon information and belief, Citizens Telecommunications Company of West Virginia is a wholly owned subsidiary of Frontier Communications Corp.

18. Upon information and belief, Citizens Utilities Rural Company, Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Citizens Utilities Rural Company, Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Citizens Utilities Rural Company, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

19. Upon information and belief, Commonwealth Communication, LLC is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Commonwealth Communication, LLC may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Commonwealth Communication, LLC is a wholly owned subsidiary of Frontier Communications Corp.

20. Upon information and belief, Commonwealth Telephone Company LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Commonwealth Telephone Company LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Commonwealth Telephone Company LLC is a wholly owned subsidiary of Frontier Communications Corp.

21. Upon information and belief, Commonwealth Telephone Enterprises LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Commonwealth Telephone Enterprises LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Commonwealth Telephone Enterprises LLC is a wholly owned subsidiary of Frontier Communications Corp.

22. Upon information and belief, Commonwealth Telephone Enterprises, LLC is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Commonwealth Telephone Enterprises, LLC may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Commonwealth Telephone Enterprises, LLC is a wholly owned subsidiary of Frontier Communications Corp.

23. Upon information and belief, CTSI, LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, CTSI, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, CTSI, LLC is a wholly owned subsidiary of Frontier Communications Corp.

24. Upon information and belief, Frontier Communications – Midland, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications – Midland, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon

information and belief, Frontier Communications – Midland, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

25. Upon information and belief, Frontier Communications – Prairie, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications – Prairie, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications – Prairie, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

26. Upon information and belief, Frontier Communications – Schuyler, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications – Schuyler, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications – Schuyler, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

27. Upon information and belief, Frontier Communications – St. Croix, L.L.C. is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications – St. Croix, L.L.C. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications – St. Croix, L.L.C. is a wholly owned subsidiary of Frontier Communications Corp.

28. Upon information and belief, Frontier Communications ILEC Holdings Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications ILEC Holdings Inc.

may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications ILEC Holdings Inc. is a wholly owned subsidiary of Frontier Communications Corp.

29. Upon information and belief, Frontier Communications Northwest Inc. is a Washington corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications Northwest Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications Northwest Inc. is a wholly owned subsidiary of Frontier Communications Corp.

30. Upon information and belief, Frontier Communications of Alabama, LLC is an Alabama limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Alabama, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Alabama, LLC is a wholly owned subsidiary of Frontier Communications Corp.

31. Upon information and belief, Frontier Communications of America, Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of America, Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications of America, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

32. Upon information and belief, Frontier Communications of AuSable Valley, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of AuSable Valley, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of AuSable Valley, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

33. Upon information and belief, Frontier Communications of Breezewood, LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Breezewood, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Breezewood, LLC is a wholly owned subsidiary of Frontier Communications Corp.

34. Upon information and belief, Frontier Communications of Canton, LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Canton, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Canton, LLC is a wholly owned subsidiary of Frontier Communications Corp.

35. Upon information and belief, Frontier Communications of DePue, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of DePue, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon

information and belief, Frontier Communications of DePue, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

36. Upon information and belief, Frontier Communications of Fairmount LLC is a Georgia limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Fairmount LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Fairmount LLC is a wholly owned subsidiary of Frontier Communications Corp.

37. Upon information and belief, Frontier Communications of Georgia LLC is a Georgia limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Georgia LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Georgia LLC is a wholly owned subsidiary of Frontier Communications Corp.

38. Upon information and belief, Frontier Communications of Illinois, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Illinois, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Illinois, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

39. Upon information and belief, Frontier Communications of Indiana LLC is an Indiana limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of



Indiana LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Indiana LLC is a wholly owned subsidiary of Frontier Communications Corp.

40. Upon information and belief, Frontier Communications of Iowa, LLC is an Iowa limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Iowa, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Iowa, LLC is a wholly owned subsidiary of Frontier Communications Corp.

41. Upon information and belief, Frontier Communications of Lakeside, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Lakeside, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Lakeside, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

42. Upon information and belief, Frontier Communications of Lakewood, LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Lakewood, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Lakewood, LLC is a wholly owned subsidiary of Frontier Communications Corp.

43. Upon information and belief, Frontier Communications of Lamar County, LLC is an Alabama limited liability company having its principal place of business at 3 High Ridge

Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Lamar County, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Lamar County, LLC is a wholly owned subsidiary of Frontier Communications Corp.

44. Upon information and belief, Frontier Communications of Michigan, Inc. is a Michigan corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Michigan, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Michigan, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

45. Upon information and belief, Frontier Communications of Minnesota, Inc. is a Minnesota corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Minnesota, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Minnesota, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

46. Upon information and belief, Frontier Communications of Mississippi LLC is a Mississippi limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Mississippi LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Mississippi LLC is a wholly owned subsidiary of Frontier Communications Corp.

47. Upon information and belief, Frontier Communications of Mondovi LLC is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Mondovi LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Mondovi LLC is a wholly owned subsidiary of Frontier Communications Corp.

48. Upon information and belief, Frontier Communications of Mt. Pulaski, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Mt. Pulaski, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Mt. Pulaski, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

49. Upon information and belief, Frontier Communications of New York, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of New York, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of New York, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

50. Upon information and belief, Frontier Communications of Orion, Inc. is an Illinois corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Orion, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon

information and belief, Frontier Communications of Orion, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

51. Upon information and belief, Frontier Communications of Oswayo River LLC is a Pennsylvania limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Oswayo River LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Oswayo River LLC is a wholly owned subsidiary of Frontier Communications Corp.

52. Upon information and belief, Frontier Communications of Pennsylvania, LLC is a Pennsylvania corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Pennsylvania, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Pennsylvania, LLC is a wholly owned subsidiary of Frontier Communications Corp.

53. Upon information and belief, Frontier Communications of Rochester, Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Rochester, Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications of Rochester, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

54. Upon information and belief, Frontier Communications of Seneca-Gorham, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford,

Connecticut 06905. Upon information and belief, Frontier Communications of Seneca-Gorham, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Seneca-Gorham, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

55. Upon information and belief, Frontier Communications of Sylvan Lake, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Sylvan Lake, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Sylvan Lake, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

56. Upon information and belief, Frontier Communications of the Carolinas Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of the Carolinas Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications of the Carolinas Inc. is a wholly owned subsidiary of Frontier Communications Corp.

57. Upon information and belief, Frontier Communications of the South, LLC is an Alabama limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of the South, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of the South, LLC is a wholly owned subsidiary of Frontier Communications Corp.

58. Upon information and belief, Frontier Communications of the Southwest Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of the Southwest Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications of the Southwest Inc. is a wholly owned subsidiary of Frontier Communications Corp.

59. Upon information and belief, Frontier Communications of Thorntown LLC is an Indiana limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Thorntown LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Thorntown LLC is a wholly owned subsidiary of Frontier Communications Corp.

60. Upon information and belief, Frontier Communications of Virginia, Inc. is a Virginia corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Virginia, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Virginia, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

61. Upon information and belief, Frontier Communications of Viroqua LLC is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Viroqua LLC may be served with process through the Secretary of State for the State of

Delaware. Upon information and belief, Frontier Communications of Viroqua LLC is a wholly owned subsidiary of Frontier Communications Corp.

62. Upon information and belief, Frontier Communications West Coast Inc. is a California corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications West Coast Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications West Coast Inc. is a wholly owned subsidiary of Frontier Communications Corp.

63. Upon information and belief, Frontier Communications of Wisconsin LLC is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications of Wisconsin LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Communications of Wisconsin LLC is a wholly owned subsidiary of Frontier Communications Corp.

64. Upon information and belief, Frontier Communications Online and Long Distance Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Communications Online and Long Distance Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Communications Online and Long Distance Inc. is a wholly owned subsidiary of Frontier Communications Corp.

65. Upon information and belief, Frontier InfoServices Inc. is a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon

information and belief, Frontier InfoServices Inc. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier InfoServices Inc. is a wholly owned subsidiary of Frontier Communications Corp.

66. Upon information and belief, Frontier Midstates Inc. is a Georgia corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Midstates Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Midstates Inc. is a wholly owned subsidiary of Frontier Communications Corp.

67. Upon information and belief, Frontier North Inc. is a Wisconsin corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier North Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier North Inc. is a wholly owned subsidiary of Frontier Communications Corp.

68. Upon information and belief, Frontier Subsidiary Telco LLC is a Delaware limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Subsidiary Telco LLC may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Frontier Subsidiary Telco LLC is a wholly owned subsidiary of Frontier Communications Corp.

69. Upon information and belief, Frontier Telephone of Rochester, Inc. is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier Telephone of Rochester, Inc. may be



served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier Telephone of Rochester, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

70. Upon information and belief, Frontier West Virginia Inc. is a West Virginia corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Frontier West Virginia Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Frontier West Virginia Inc. is a wholly owned subsidiary of Frontier Communications Corp.

71. Upon information and belief, GVN Services is a California corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, GVN Services may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, GVN Services is a wholly owned subsidiary of Frontier Communications Corp.

72. Upon information and belief, Navajo Communications Company, Inc. is a New Mexico corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Navajo Communications Company, Inc. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Navajo Communications Company, Inc. is a wholly owned subsidiary of Frontier Communications Corp.

73. Upon information and belief, Ogden Telephone Company is a New York corporation having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Ogden Telephone Company may be served with process

through the Secretary of State for the State of Delaware. Upon information and belief, Ogden Telephone Company is a wholly owned subsidiary of Frontier Communications Corp.

74. Upon information and belief, Rhinelander Telecommunications, LLC is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Rhinelander Telecommunications, LLC may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Rhinelander Telecommunications, LLC is a wholly owned subsidiary of Frontier Communications Corp.

75. Upon information and belief, Rhinelander Telephone, L.L.C. is a Wisconsin limited liability company having its principal place of business at 3 High Ridge Park, Stamford, Connecticut 06905. Upon information and belief, Rhinelander Telephone, L.L.C. may be served with process through the Secretary of State for the State of Delaware. Upon information and belief, Rhinelander Telephone, L.L.C. is a wholly owned subsidiary of Frontier Communications Corp.

76. Collectively, Frontier Communications Corp.'s wholly owned subsidiaries are referred to as "Frontier's subsidiaries."

#### **JURISDICTION AND VENUE**

77. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

78. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

79. Venue in this Court is proper by virtue of 28 U.S.C. §§ 1391(b), (c), and 1400(b).

80. Upon information and belief, this Court has personal jurisdiction over Defendants and venue is proper, in part, because Defendants have significant contacts with the District of Delaware, conduct business in the District of Delaware, and have sought protection and benefit from the laws of the State of Delaware.

81. Upon information and belief, Frontier Communications Corp. is incorporated in the State of Delaware, has a registered agent for service of process in Delaware, and has sought to enforce its intellectual property in the District of Delaware, including in the case styled *Frontier Communications Corp. v. Google Inc.*, Case No. 1:10-cv-00545-GMS (D. Del. filed June 22, 2010).

82. Upon information and belief, Frontier Communications Corp. directs and/or controls Frontier's subsidiaries such that Frontier's subsidiaries constitute alter egos and/or agents of Frontier Communications Corp. Upon information and belief, Frontier Communications Corp. wholly owns each of Frontier's subsidiaries, each of Frontier's subsidiaries is financially dependent on Frontier Communications Corp., Frontier Communications Corp. shares common officers and/or directors with each of Frontier Communications Corp.'s subsidiaries, and/or Frontier Communications Corp. exercises control over the marketing and operational policies of each of Frontier's subsidiaries. Upon information and belief, Frontier's subsidiaries authorize Frontier Communications Corp. to perform substantial business on their behalf, including marketing, sales, accounting, finance, corporate governance, media relations, and corporate advertising.

83. Upon information and belief, several of Frontier's subsidiaries reside and have a registered agent for service of process in the District of Delaware, including Citizens Telecom Services Company L.L.C., Citizens Telecommunications Company of Idaho, Citizens

Telecommunications Company of Minnesota, LLC, Citizens Telecommunications Company of Montana, Citizens Telecommunications Company of Nebraska, Citizens Telecommunications Company of Oregon, Citizens Telecommunications Company of Tennessee, L.L.C., Citizens Telecommunications Company of the Volunteer State LLC, Citizens Telecommunications Company of the White Mountains, Inc., Citizens Telecommunications Company of Utah, Citizens Telecommunications Company of West Virginia, Citizens Utilities Rural Company, Inc., Commonwealth Communication, LLC, Commonwealth Telephone Enterprises, LLC, Frontier Communications ILEC Holdings Inc., Frontier Communications of America, Inc., Frontier Communications of Rochester, Inc., Frontier Communications of the Carolinas Inc., Frontier Communications of the Southwest Inc., Frontier Communications Online and Long Distance Inc., Frontier InfoServices Inc., and Frontier Subsidiary Telco LLC.

84. Venue of this action is appropriate and convenient in the District of Delaware because this Court previously presided over a related action for infringement in the case styled *United Access Technologies, LLC v. EarthLink, Inc.*, No. 1:02-cv-00272-MPT (D. Del.) (the “EarthLink case”), where this Court considered and construed the claims of the patents-in-suit alleged herein, presided over a jury trial in February 2007, and ruled on the original plaintiffs’ renewed motion for judgment as a matter of law and motion for new trial in February 2010. The EarthLink case is currently on appeal before the Federal Circuit in an appeal styled *United Access Technologies, LLC v. EarthLink, Inc.*, Nos. 2010-1251, -1273 (Fed. Cir.). This Court is also presiding over a second related action for infringement in the case styled *Inline Connection Corporation v. Verizon Internet Services, Inc., et al.*, No. 1:05-cv-00866-JJF (D. Del.), which is stayed pending resolution of the EarthLink case.

## **BACKGROUND**

### **A. The Patents-In-Suit**

85. U.S. Patent No. 5,844,596 (the “’596 patent”), titled “Two-way RF Communication at Points of Convergence of Wire Pairs from Separate Internal Telephone Networks,” was duly and legally issued by the U.S. Patent and Trademark Office on December 1, 1998, after a full and fair examination. A true and correct copy of the ’596 patent is attached hereto as **Exhibit A** and made a part hereof.

86. U.S. Patent No. 6,243,446 (the “’446 patent”), titled “Distributed Splitter for Data Transmission Over Twisted Pairs,” was duly and legally issued by the U.S. Patent and Trademark Office on July 5, 2001, after a full and fair examination. A true and correct copy of the ’446 patent is attached as **Exhibit B** and made a part hereof.

87. U.S. No. 6,542,585 (the “’585 patent”), titled “Distributed Splitter for Data Transmission Over Twisted Wire Pairs,” was duly and legally issued by the U.S. Patent and Trademark Office on April 1, 2003, after a full and fair examination. A true and correct copy of the ’585 patent is attached as **Exhibit C** and made a part hereof.

88. United Access is the owner of all right, title, and interest in and to the ’596 patent, the ’446 patent, and the ’585 patent (collectively, the “patents-in-suit”) by assignment, with full right to bring suit to enforce the patents, including the right to recover for past infringement damages and the right to recover future royalties, damages, and income.

### **B. Defendants’ Infringing Conduct**

89. Upon information and belief, Defendants are a communications company that provides services predominantly to rural areas and small and medium-sized towns and cities. Defendants operate as incumbent local exchange carriers in at least 27 states.

90. Upon information and belief, Frontier Communications Corp. directs and/or controls Frontier's subsidiaries and/or its agents in providing communications services to both residential and business customers, including local and long distance voice services, data and internet services, access services, directory services, and video services. Specifically, Defendants' communications services include DSL services to residential and business customers. Defendants market and offer for sale their DSL services to residential and business consumers under the Frontier Communications Corp. brand name through Frontier Communications Corp.'s website, [www.frontier.com](http://www.frontier.com). For example, Defendants have marketed their residential DSL services as, *inter alia*, Frontier High-Speed Internet. Collectively, Defendants' DSL services are referred to as "Frontier DSL."

91. Upon information and belief, Frontier DSL is provided over the pre-existing transmission facilities between the telephone company's central office and consumers' residences and/or businesses. Upon information and belief, Frontier DSL utilizes a signal interface known as a Digital Subscriber Line Access Multiplier ("DSLAM") located within the central office, a remote terminal, or another location, including an office building, that has circuitry for receiving data signals from an external source of information (i.e., an internet service provider) and circuitry for transmitting high-frequency data signals over the telephone wiring network to a transceiver (i.e., DSL modem) located in consumers' residences and/or businesses.

92. Upon information and belief, Frontier DSL services utilize a distributed filtering system. Upon information and belief, Defendants provide customers with the necessary components of their distributed filtering system, *inter alia*, in self-installation kits, which eliminate delays and costs associated with a professional technician installing equipment. Upon

information and belief, Defendants have substantially benefited from the use of a distributed filtering system provided, *inter alia*, in their self-installation kits.

93. Upon information and belief, Defendants' self-installation kits contain, for example, the following equipment: (i) a transceiver, or DSL modem or router; (ii) a Power Adapter; (iii) a 10/100Base-T Ethernet cable with RJ-45 connectors to connect a computer to the transceiver; (iv) a USB Cable; (v) a Phone cord with RJ-11 connectors to connect the transceiver to a telephone jack; (vi) three In-line microfilters (i.e., low-pass filters) with RJ-11 connectors that prevent high-frequency data signals from interfering with telephone equipment; (vii) a Phone wall jack with built-in micro-filter (i.e., low pass filter) for a wall-mounted telephone; (viii) a Software CD; and (ix) a Self-Connect Guide.

### **COUNT I**

#### **INFRINGEMENT OF U.S. PATENT NO. 5,844,596**

94. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-93 as though fully set forth herein.

95. The '596 patent is valid and enforceable.

96. Defendants have at no time, either expressly or impliedly, been licensed under the '596 patent.

97. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, United Access and/or all predecessors in interest and/or implied or express licensees of the '596 patent, if any, have complied with the marking requirements of 35 U.S.C. § 287 by placing constructive notice of the '596 patent on all goods made, offered for sale, sold, and/or imported into the United States that embody one or more claims of that patent and/or providing actual notice to Defendants of their alleged infringement.

98. Upon information and belief, Defendants have been, literally under 35 U.S.C. § 271(a) and/or equivalently under the doctrine of equivalents, infringing and/or indirectly infringing, by way of inducing infringement with specific intent under 35 U.S.C. § 271(b) and/or contributing to infringement under 35 U.S.C. § 271(c) of the '596 patent by making, using, offering to sell, and/or selling to customers and/or distributors (directly or through intermediaries) within the United States, without authority, products and/or processes that fall within the scope of one or more claims of the '596 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses and/or methods embodied in one or more claims of the '596 patent in substantially the same way to achieve the same result.

99. Upon information and belief, Defendants have practiced all of the steps and/or requirements of one or more of the claims of the '596 patent either alone or as the "mastermind" directing or controlling the actions or participation of any third parties, including Frontier's subsidiaries and/or Defendants' agents, subcontractors, and/or customers. Upon information and belief, Defendants have exercised control over and derived a benefit from the use of Frontier DSL.

100. Upon information and belief, Defendants' agents, subcontractors, and/or customers have infringed the claims of the '596 patent, under 35 U.S.C. § 271(a), by making, using, offering for sale, and/or selling within the United States, without authority, products and/or processes that fall within the scope of one or more claims of the '596 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses and/or methods embodied in one or more claims of the '596 patent in substantially the same way to achieve the same result.



101. Upon information and belief, Defendants have possessed both the specific intent to induce infringement and have taken active steps to encourage infringement as demonstrated by Defendants' sales of Frontier DSL to customers that Defendants knew, or should have known, were infringing at least one claim of the '596 patent.

102. Upon information and belief, Frontier DSL is a material part of the invention embodied in the claims of the '596 patent, and Defendants knew that Frontier DSL was made or adapted for a use that infringes at least one claim of the '596 patent. Upon information and belief, Defendants had knowledge of the non-staple nature of Frontier DSL and the '596 patent throughout the entire period of their infringing conduct.

103. As a direct and proximate result of Defendants' acts of infringement, United Access has been irreparably damaged and deprived of its right in the '596 patent in amounts not yet determined, and for which United Access is entitled to relief.

## **COUNT II**

### **INFRINGEMENT OF U.S. PATENT NO. 6,243,446**

104. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-103 as though fully set forth herein.

105. The '446 patent is valid and enforceable.

106. Defendants have at no time, either expressly or impliedly, been licensed under the '446 patent.

107. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, United Access and/or all predecessors in interest and/or implied or express licensees of the '446 patent, if any, have complied with the marking requirements of 35 U.S.C. § 287 by placing constructive notice of the '446 patent on all goods made, offered for sale, sold,

and/or imported into the United States that embody one or more claims of that patent and/or providing actual notice to Defendants of their alleged infringement.

108. Upon information and belief, Defendants have been, literally under 35 U.S.C. § 271(a) and/or equivalently under the doctrine of equivalents, infringing and/or indirectly infringing, by way of inducing infringement with specific intent under 35 U.S.C. § 271(b) and/or contributing to infringement under 35 U.S.C. § 271(c) of the '446 patent by making, using, offering to sell, and/or selling to customers and/or distributors (directly or through intermediaries) within the United States, without authority, products that fall within the scope of one or more claims of the '446 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses embodied in one or more claims of the '446 patent in substantially the same way to achieve the same result.

109. Upon information and belief, Defendants have practiced all the requirements of one or more of the claims of the '446 patent either alone or as the “mastermind” directing or controlling the actions or participation of any third parties, including Frontier’s subsidiaries and/or Defendants’ agents, subcontractors, and/or customers. Upon information and belief, Defendants have exercised control over and derived a benefit from the use of Frontier DSL.

110. Upon information and belief, Defendants’ agents, subcontractors, and/or customers have infringed the claims of the '446 patent, under 35 U.S.C. § 271(a), by making, using, offering for sale, and/or selling within the United States, without authority, products that fall within the scope of one or more claims of the '446 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses embodied in one or more claims of the '446 patent in substantially the same way to achieve the same result.

111. Upon information and belief, Defendants have possessed both the specific intent to induce infringement and have taken active steps to encourage infringement as demonstrated by Defendants' sales of Frontier DSL to customers that Defendants knew, or should have known, were infringing at least one claim of the '446 patent.

112. Upon information and belief, Frontier DSL is a material part of the invention embodied in the claims of the '446 patent, and Defendants knew that Frontier DSL was made or adapted for a use that infringes at least one claim of the '446 patent. Upon information and belief, Defendants had knowledge of the non-staple nature of Frontier DSL and the '446 patent throughout the entire period of their infringing conduct.

113. As a direct and proximate result of Defendants' acts of infringement, United Access has been irreparably damaged and deprived of its right in the '446 patent in amounts not yet determined, and for which United Access is entitled to relief.

### **COUNT III**

#### **INFRINGEMENT OF U.S. PATENT NO. 6,542,585**

114. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-113 as though fully set forth herein.

115. The '585 patent is valid and enforceable.

116. Defendants have at no time, either expressly or impliedly, been licensed under the '585 patent.

117. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, United Access and/or all predecessors in interest and/or implied or express licensees of the '585 patent, if any, have complied with the marking requirements of 35 U.S.C. § 287 by placing constructive notice of the '585 patent on all goods made, offered for sale, sold,

and/or imported into the United States that embody one or more claims of that patent and/or providing actual notice to Defendants of their alleged infringement.

118. Upon information and belief, Defendants have been, literally under 35 U.S.C. § 271(a) and/or equivalently under the doctrine of equivalents, infringing and/or indirectly infringing, by way of inducing infringement with specific intent under 35 U.S.C. § 271(b) and/or contributing to infringement under 35 U.S.C. § 271(c) of the '585 patent by making, using, offering to sell, and/or selling to customers and/or distributors (directly or through intermediaries) within the United States, without authority, products that fall within the scope of one or more claims of the '585 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses embodied in one or more claims of the '585 patent in substantially the same way to achieve the same result.

119. Upon information and belief, Defendants have practiced all of the requirements of one or more of the claims of the '585 patent either alone or as the "mastermind" directing or controlling the actions or participation of any third parties, including Frontier's subsidiaries and/or Defendants' agents, subcontractors, and/or customers. Upon information and belief, Defendants have exercised control over and derived a benefit from the use of Frontier DSL.

120. Upon information and belief, Defendants' agents, subcontractors, and/or customers have infringed the claims of the '585 patent, under 35 U.S.C. § 271(a), by making, using, offering for sale, and/or selling within the United States, without authority, products that fall within the scope of one or more claims of the '585 patent, including, but not limited to, Frontier DSL, which performs substantially the same function as the apparatuses embodied in one or more claims of the '585 patent in substantially the same way to achieve the same result.

121. Upon information and belief, Defendants have possessed both the specific intent to induce infringement and have taken active steps to encourage infringement as demonstrated by Defendants' sales of Frontier DSL to customers that Defendants knew, or should have known, were infringing at least one claim of the '585 patent.

122. Upon information and belief, Frontier DSL is a material part of the invention embodied in the claims of the '585 patent, and Defendants knew that Frontier DSL was made or adapted for a use that infringes at least one claim of the '585 patent. Upon information and belief, Defendants had knowledge of the non-staple nature of Frontier DSL and the '585 patent throughout the entire period of their infringing conduct.

123. As a direct and proximate result of Defendants' acts of infringement, United Access has irreparably damaged and deprived of its right in the '585 patent in amounts not yet determined, and for which United Access is entitled to relief.

### **CONCLUSION**

124. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

125. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

### **JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. A judgment that Defendants have directly infringed each of the patents-in-suit as alleged herein;
- B. A judgment for an accounting of all damages sustained by Plaintiff as a result of the acts of infringement by Defendants;
- C. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284 and any royalties determined to be appropriate;
- D. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- E. A judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285; and
- F. Such other and further relief as the Court deems just and equitable.

Dated: April 15, 2011

Respectfully submitted,

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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