

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARTHUR A. COLLINS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 EMBARQ MISSOURI, INC. f/k/a SPRINT)
 MISSOURI, INC. f/k/a UNITED TELEPHONE)
 COMPANY OF MISSOURI; UNITED)
 TELEPHONE COMPANY OF KANSAS;)
 UNITED TELEPHONE COMPANY OF)
 SOUTHCENTRAL KANSAS; EMBARQ)
 FLORIDA, INC. f/k/a SPRINT - FLORIDA,)
 INCORPORATED; CAROLINA TELEPHONE)
 AND TELEGRAPH COMPANY LLC;)
 UNITED TELEPHONE COMPANY OF THE)
 CAROLINAS LLC; UNITED TELEPHONE)
 COMPANY OF TEXAS, INC.; CENTRAL)
 TELEPHONE COMPANY OF TEXAS;)
 EMBARQ MINNESOTA, INC. f/k/a SPRINT)
 MINNESOTA, INC.; and UNITED TELEPHONE)
 COMPANY OF THE NORTH WEST,)
)
 Defendants.)

Civil Action No. 08-CV-2526 JWL/JPO

COMPLAINT

Plaintiff, Arthur A. Collins, Inc. (“Collins”), complains of defendants, Embarq Missouri, Inc. f/k/a Sprint Missouri, Inc. f/k/a United Telephone Company of Missouri; United Telephone Company of Kansas; United Telephone Company of Southcentral Kansas; Embarq Florida, Inc. f/k/a Sprint - Florida, Incorporated; Carolina Telephone and Telegraph Company LLC; United Telephone Company of the Carolinas LLC; United Telephone Company of Texas, Inc.; Central Telephone Company of Texas; Embarq Minnesota, Inc. f/k/a Sprint Minnesota, Inc.; and United Telephone Company of the Northwest, (collectively “Embarq”) as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This court has exclusive jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §1338(a). Venue is proper in this judicial district under 28 U.S.C. §§1391 and 1400(b).

THE PARTIES

2. Collins is an Iowa corporation with its principal place of business at 1303 Chickasaw, Richardson, Texas 75080.

3. Embarq Missouri, Inc. f/k/a Sprint Missouri, Inc. f/k/a United Telephone Company of Missouri is a Missouri corporation and provides local telephone and other telecommunications services in parts of Missouri.

4. United Telephone Company of Kansas is a Kansas corporation and provides local telephone and other telecommunications services in parts of Kansas.

5. United Telephone Company of Southcentral Kansas is an Arkansas corporation and provides local telephone and other telecommunications services in parts of Kansas.

6. Embarq Florida, Inc. f/k/a Sprint – Florida, Incorporated is a Florida corporation and provides local telephone and other telecommunications services in parts of Florida.

7. Carolina Telephone and Telegraph Company LLC is a North Carolina limited liability company and provides local telephone and other telecommunications services in parts of North Carolina.

8. United Telephone Company of the Carolinas LLC is a South Carolina limited liability company and provides local telephone and other telecommunications services in parts of South Carolina.

9. United Telephone Company of Texas, Inc. is a Texas corporation and provides local telephone and other telecommunications services in parts of Texas.

10. Central Telephone Company of Texas is a Texas corporation and provides local telephone and other telecommunications services in parts of Texas.

11. Embarq Minnesota, Inc. f/k/a Sprint Minnesota, Inc. is a Minnesota corporation and provides local telephone and other telecommunications services in parts of Minnesota.

12. United Telephone Company of the Northwest is an Oregon corporation and provides local telephone and other telecommunications services in parts of Oregon and Washington.

13. Each of the aforementioned defendants is a subsidiary of Embarq Corp. and has its principal place of business in Kansas.

GENERAL ALLEGATIONS

14. Collins is the owner of United States Patent No. 4,797,589 (“the ‘589 patent”).

15. The ‘589 patent originally issued on January 10, 1989, and was the subject of Reexamination Certificate (4637th), which issued on September 10, 2002. The ‘589 patent is entitled “Dynamically Reconfigurable Time-Space-Time Digital Switch and Network.”

16. Embarq has infringed, and continues to infringe the '589 patent, by, *inter alia*, using SONET telecommunication networks interconnected with TST digital switches which are covered by the '589 patent.

COUNT I

PATENT INFRINGEMENT

17. Collins repeats and incorporates by reference the allegations set forth above.

18. Embarq has infringed claims 1-2 of the '589 patent through, among other activities, using SONET telecommunication networks interconnected with TST digital switches, and selling and offering for sale services associated with such networks. Further, Embarq has, through its actions, knowingly contributed to or induced the infringement of the '589 patent in violation of 35 U.S.C. §§ 271(b) and (c).

19. Embarq's infringement has injured Collins, and entitles Collins to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

20. On information and belief, Embarq's infringement of the '589 patent is, and has been, willful.

21. No charge of infringement is being made by Collins herein against Embarq regarding any Lucent Equipment (defined as "any service or equipment manufactured, sold, leased or otherwise provided (directly or indirectly) by Lucent"), individually or in combination with other Lucent Equipment or Non-Lucent Equipment (defined as "any equipment that is not Lucent Equipment").

WHEREFORE, Collins seeks the following relief in this case:

- a. That Embarq be ordered to pay damages adequate to compensate Collins for its infringement of the '589 patent, together with prejudgment interest and costs;
- b. That Embarq be ordered to pay treble damages and attorneys' fees pursuant to 35 U.S.C. §§284 and 285; and
- c. That Collins be granted such other and additional relief against Embarq as the court deems just and proper.

DEMAND FOR JURY TRIAL


Pursuant to Fed. R. Civ. P. §38(b), plaintiff demands a jury trial of all issues properly triable by a jury in this case.

DESIGNATION OF PLACE OF TRIAL

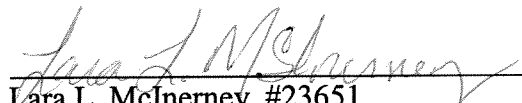
Plaintiff hereby designates Kansas City, Kansas as the place of trial for the above-identified case.

Respectfully submitted,

Dated: October 22, 2008

By: 
James J. Kernell, #19559

Dated: October 22, 2008

By: 
Lara L. McInerney, #23651

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