

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

Multiservice Solutions LLC,	§	
	§	
<i>Plaintiff,</i>	§	
v.	§	Civil Action No. 6:11-cv-114
	§	
Cable One, Inc.,	§	
Cequel III Communications I, LLC d/b/a	§	Jury Trial Demanded
Suddenlink Communications,	§	
Comcast Corporation, and	§	
Charter Communications, LLC,	§	
	§	
<i>Defendants.</i>	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Multiservice Solutions, LLC, (“Plaintiff” or “Multiservice”), by and through its attorneys, for its Complaint against Cable One, Inc. (“Cable One”), Cequel III Communications I, LLC d/b/a Suddenlink Communications (“Suddenlink”), Comcast Corporation (“Comcast”), and Charter Communications, LLC (“Charter”) (collectively, “Defendants”), and demanding trial by jury, hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to obtain damages resulting from Defendants’ unauthorized use, sale, and offering to sell in the United States of products, methods, processes, services and/or systems that infringe one or more claims of United States Patent No. 5,774,527, issued on June 30, 1998, for “Integrated telephone and cable communication networks,” naming as inventors Doron Handelman of Givatim, Israel and Sanford T. Colb of Rehovot, Israel (the “527 Patent”), a true and correct copy of which is attached hereto as **Exhibit 1**, and United

States Patent No. 5,715,315, issued on February 3, 1998, for “CATV systems,” naming as inventor Doron Handelman of Givataim, Israel (the “315 Patent”), a true and correct copy of which is attached hereto as **Exhibit 2**.

II. PARTIES

2. Multiservice is a limited liability company organized and existing under the laws of the State of Texas, with a principal place of business at 6136 Frisco Square Blvd, Suite 385, Frisco, Texas.

3. On information and belief, Cable One is a corporation organized and existing under the laws of Delaware, with a principal place of business at 1314 North 3rd Street, Third Floor, Phoenix, Arizona. Cable One does business in this district and may be served with process by serving CT Corporation System, 350 N. St. Paul St., Ste 2900, Dallas, Texas 75201-4234.

4. On information and belief, Suddenlink is a limited liability company organized and existing under the laws of Delaware, with a principal place of business at 12444 Powerscourt Drive, Suite 450, St. Louis, Missouri. Suddenlink does business in this district and may be served with process by serving CT Corporation System, 350 N. St. Paul St., Ste 2900, Dallas, Texas 75201-4234.

5. On information and belief, Comcast is a corporation organized and existing under the laws of Pennsylvania, with a principal place of business at One Comcast Center, Philadelphia, Pennsylvania. Comcast does business in this district and may be served with process by serving CT Corporation System, 1515 Market St., Ste. 1210, Philadelphia, Pennsylvania 19102.

6. On information and belief, Charter is a limited liability company organized and existing under the laws of Delaware, with a principal place of business at 12405 Powerscourt Drive, Suite 100, St. Louis, Missouri. Charter does business in this district and may be served with process by serving Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

III. JURISDICTION AND VENUE

7. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, and 284.

8. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

9. On information and belief, this Court has personal jurisdiction over Defendants. Defendants have conducted and do conduct business within the State of Texas. Defendants have and/or do now, directly or through intermediaries, ship, distribute, offer for sale, sell, advertise, operate and use their respective cable system products and services in the United States, the State of Texas, and the Eastern District of Texas. These infringing cable system products and services have been and/or continue to be used and purchased by consumers in the Eastern District of Texas. As a result, defendants have committed or induced the tort of patent infringement within the State of Texas, and particularly, within the Eastern District of Texas.

10. On information and belief, venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendants have regularly conducted business in this judicial district, and the acts complained of herein occurred in this judicial district.

IV. COUNT ONE

DIRECT AND INDIRECT INFRINGEMENT OF U.S. PATENT NO. 5,774,527

11. Multiservice incorporates by reference its allegations in Paragraphs 1-10 as if fully restated in this paragraph.

12. Multiservice is the assignee and owner of all right, title and interest to the '527 Patent. Multiservice has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

13. The '527 Patent is valid and enforceable.

14. On information and belief, Cable One has been and is still directly infringing the '527 Patent under 35 U.S.C. § 271(a). This infringement includes, but is not limited to, the use and sale, without Multiservice's permission, of cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM722 telephony modem, that infringe one or more claims of the '527 Patent, and any other product, made, used, offered for sale, and/or sold by Cable One that infringes one or more claims of the '527 Patent. Cable One is thus liable for direct infringement of the '527 Patent pursuant to 35 U.S.C. § 271(a).

15. On information and belief, at least since the filing of this Complaint, Cable One has been and now is actively inducing infringement of the '527 Patent under 35 U.S.C. § 271(b). Cable One's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing its subscribers to use, without Multiservice's permission, cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM722 telephony modem, which cable receivers and

telephony modems Cable One knows or should know infringe one or more claims of the '527 Patent. Cable One is thus liable for inducing infringement of the '527 Patent pursuant to 35 U.S.C. § 271(b).

16. On information and belief, Suddenlink has been and is still directly infringing the '527 Patent under 35 U.S.C. § 271(a). This infringement includes, but is not limited to, the use and sale, without Multiservice's permission, of cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM602 telephony modem, that infringe one or more claims of the '527 Patent, and any other product, made, used, offered for sale, and/or sold by Suddenlink that infringes one or more claims of the '527 Patent. Suddenlink is thus liable for direct infringement of the '527 Patent pursuant to 35 U.S.C. § 271(a).

17. On information and belief, at least since the filing of this Complaint, Suddenlink has been and now is actively inducing infringement of the '527 Patent under 35 U.S.C. § 271(b). Suddenlink's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing its subscribers to use, without Multiservice's permission, cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM602 telephony modem, which cable receivers and telephony modems Suddenlink knows or should know infringe one or more claims of the '527 Patent. Suddenlink is thus liable for inducing infringement of the '527 Patent pursuant to 35 U.S.C. § 271(b).

18. On information and belief, Comcast has been and is still directly infringing the '527 Patent under 35 U.S.C. § 271(a). This infringement includes, but is not limited to, the use

and sale, without Multiservice's permission, of cable tv receivers and telephony modems, including but not limited to the Motorola DCT2500 series of cable receivers and the Motorola SBV5220 telephony modem, that infringe one or more claims of the '527 Patent, and any other product, made, used, offered for sale, and/or sold by Comcast that infringes one or more claims of the '527 Patent. Comcast is thus liable for direct infringement of the '527 Patent pursuant to 35 U.S.C. § 271(a).

19. On information and belief, at least since the filing of this Complaint, Comcast has been and now is actively inducing infringement of the '527 Patent under 35 U.S.C. § 271(b). Comcast's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing its subscribers to use, without Multiservice's permission, cable tv receivers and telephony modems, including but not limited to the Motorola DCT2500 series of cable receivers and the Motorola SBV5220 telephony modem, which cable receivers and telephony modems Comcast knows or should know infringe one or more claims of the '527 Patent. Comcast is thus liable for inducing infringement of the '527 Patent pursuant to 35 U.S.C. § 271(b).

20. On information and belief, Charter has been and is still directly infringing the '527 Patent under 35 U.S.C. § 271(a). This infringement includes, but is not limited to, the use and sale, without Multiservice's permission, of cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM722 telephony modem, that infringe one or more claims of the '527 Patent, and any other product, made, used, offered for sale, and/or sold by Charter that infringes one or more claims of the '527 Patent. Charter is thus liable for direct infringement of the '527 Patent pursuant to 35 U.S.C. § 271(a).

21. On information and belief, at least since the filing of this Complaint, Charter has been and now is actively inducing infringement of the '527 Patent under 35 U.S.C. § 271(b). Charter's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing its subscribers to use, without Multiservice's permission, cable tv receivers and telephony modems, including but not limited to the Motorola DCT6400 series of cable receivers and the Arris TM722 telephony modem, which cable receivers and telephony modems Charter knows or should know infringe one or more claims of the '527 Patent. Charter is thus liable for inducing infringement of the '527 Patent pursuant to 35 U.S.C. § 271(b).

22. As a result of Defendants' infringement of the '527 Patent, Multiservice has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

V. COUNT TWO

DIRECT AND INDIRECT INFRINGEMENT OF U.S. PATENT NO. 5,715,315

23. Multiservice incorporates by reference its allegations in Paragraphs 1-10 as if fully restated in this paragraph.

24. Multiservice is the assignee and owner of all right, title and interest to the '315 Patent. Multiservice has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

25. The '315 Patent is valid and enforceable.

26. On information and belief, Comcast has been and is still directly infringing the '315 Patent under 35 U.S.C. § 271(a). This infringement includes, but is not limited to, the use and sale, without Multiservice's permission, of cable tv receivers, including but not limited to the Motorola DCT2500 series of cable receivers, that infringe one or more claims of the '315 Patent, and any other product, made, used, offered for sale, and/or sold by Comcast that infringes one or more claims of the '315 Patent. Comcast is thus liable for direct infringement of the '315 Patent pursuant to 35 U.S.C. § 271(a).

27. On information and belief, at least since the filing of this Complaint, Comcast has been and now is actively inducing infringement of the '315 Patent under 35 U.S.C. § 271(b). Comcast's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing its subscribers to use, without Multiservice's permission, cable tv receivers, including but not limited to the Motorola DCT2500 series of cable receivers, which cable receivers Comcast knows or should know infringe one or more claims of the '315 Patent. Comcast is thus liable for inducing infringement of the '315 Patent pursuant to 35 U.S.C. § 271(b).

28. As a result of Comcast's infringement of the '315 Patent, Multiservice has suffered monetary damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

VI. JURY DEMAND

29. Plaintiff Multiservice demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

VII. PRAYER FOR RELIEF

WHEREFORE, Multiservice prays for judgment and seeks relief against Defendants as follows:

- A. That the Court declare that the '315 Patent is infringed by Comcast;
- B. That the Court declare that the '527 Patent is infringed by all Defendants;
- C. That the Court award damages adequate to compensate Multiservice for the patent infringement that has occurred, together with prejudgment and post-judgment interest and costs, and an ongoing royalty for continued infringement; and
- D. That the Court award such other relief as the Court deems just and proper.

Respectfully submitted,



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