

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CENTILLION DATA SYSTEMS, LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. _____
	:	
AVOLENT, INC.,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Centillion Data Systems, LLC (“Centillion”), files this Complaint against Defendant Avolent, Inc. (“Defendant”), and in support thereof, states as follows:

I. JURISDICTION AND VENUE

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. §271 et seq. This Court has original subject matter jurisdiction under 28 U.S.C. §1331 (federal question), and §1338(a) (patent-exclusive jurisdiction).

2. Venue is proper in this forum under 28 U.S.C. §§1391(b) and (c) and 28 U.S.C. §1400(b) and the applicable law of this Court because Defendant is a Delaware corporation.

3. The Court has personal jurisdiction over Defendant which has engaged in commerce within this jurisdiction and continues to have substantial contact with this forum.

II. THE PARTIES

4. Centillion Data Systems, LLC, is a Delaware corporation having its principal place of business at 333 North Alabama Street, Indianapolis, Indiana 46204.

5. Defendant Avolent, Inc. is a Delaware corporation with its principal place of business at 444 DeHaro Street, Suite 100, San Francisco, California 94107-2347.

6. The amount in controversy is in excess of \$75,000, exclusive of interest and costs.

7. Upon information and belief, Defendant is offering for sale, selling, making, and using all or a material part of an infringing method and system for electronic billing, processing, reporting and analysis of telephone charges and/or other services and/or actively inducing infringement and/or contributorily infringing in this district and elsewhere.

III. INFRINGEMENT OF U.S. PATENT NO. 5,287,270

8. On February 15, 1994, the United States Patent and Trademark Office duly and legally issued United States Letters Patent No. 5,287,270 (the “‘270 Patent”), entitled “Billing System,” to Compucom Communications Corp. (Compucom Communications Corp. was renamed Centillion Data Systems, Inc. and the ‘270 Patent was assigned to Centillion, the plaintiff in this matter). A true and correct copy of the ‘270 Patent is attached as Exhibit A.

9. On information and belief, Defendant has infringed the ‘270 Patent in this district and elsewhere by making, using, offering for sale, or selling a method and system for electronic billing, processing, reporting, and analysis of telephone charges and/or other

services and/or has actively induced infringement and/or has contributorily infringed and will continue to do so unless enjoined by the Court.

10. Centillion has placed the required statutory notice on the diskettes containing the system and utilizing the method covered by the '270 Patent.

11. Defendant has knowingly, willfully, and deliberately infringed the '270 Patent in conscious disregard of Centillion's rights, making this case exceptional within the meaning of 35 U.S.C. §285 and justifying treble damages pursuant to 35 U.S.C. §284.

12. On information and belief, Defendant will continue to infringe the '270 Patent, causing immediate and irreparable harm unless this Court enjoins and restrains its activities.

13. On information and belief, the infringement by Defendant has and will deprive Centillion of sales, profits, royalties, and other related revenue which Centillion would have made or would enjoy in the future, has injured Centillion in other respects, and will cause Centillion added injury and damage, including loss of sales, profits, royalties and other related revenue in the future unless Defendant is enjoined from infringing Centillion's '270 Patent.

IV. JURY DEMAND

14. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Centillion demands that the issues in this case be tried by a jury.

V. PRAYER FOR RELIEF

WHEREFORE, Centillion respectfully requests this Court to:

1. Enter judgment for Centillion that U.S. Patent No. 5,287,270 is valid, enforceable, and has been infringed by Defendant;
2. Issue a permanent injunction restraining Defendant, its directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity or in concert or participation with Defendant from the continued infringement, direct or contributory, or active inducement of infringement by others, of U.S. Patent No. 5,287,270;
3. Direct Defendant to file with this Court, and to serve on Centillion, a written report under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;
4. Order Defendant to account for and to pay to Centillion its actual damages suffered by reason of its infringement of United States Patent No. 5,287,270 and that such damages be trebled due to Defendant's deliberate, willful, and knowing conduct;
5. Order Defendant to pay Centillion its costs, expenses, and fees, including reasonable attorneys' fees pursuant to 35 U.S.C. §285, and pre-judgment and post-judgment interest at the maximum rate allowed by law; and

6. Grant Centillion such other and further relief as the Court may deem just and proper.

Respectfully submitted,

BLANK ROME LLP

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