

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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

APR 14 2004

DAVID S. HALLAND, CLERK

ARTHUR A. COLLINS, INC.,

Plaintiff,

v.

AT&T CORP.,

Defendant.

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Civil Action No.

4:04cv119

JURY

COMPLAINT

Plaintiff, Arthur A. Collins, Inc. complains of Defendant AT&T Corp., 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. Plaintiff, Arthur A. Collins, Inc. is an Iowa Corporation with its principal place of business at 1303 Chickasaw, Richardson, Texas 75080.

3. Upon information and belief, defendant, AT&T Corp. ("AT&T") is a New York Corporation having its principal place of business at 1 AT&T Way, Room 3A247, Bedminster, New Jersey 07921-0752.

GENERAL ALLEGATIONS

4. The Plaintiff, Arthur A. Collins, Inc. is the owner of United States Letters Patent Nos. 4,701,907 C1 (“the ‘907 patent”) and 4,797,589 C1 (“the ‘589 patent”), the patents-in-suit.

5. United States Patent No. 4,701,907 originally issued on October 20, 1987 and was the subject of Reexamination Certificate which issued on August 27, 2002. United States Patent No. 4,797,589 originally issued on January 10, 1989 and was the subject of Reexamination Certificate which issued on September 10, 2002. Each patent is entitled “Dynamically Reconfigurable Time-Space-Time Digital Switch and Network”.

6. AT&T (the “Defendant”) has in the past and continues to infringe the patents-in-suit, by, *inter alia*, making and using, SONET telecommunication networks interconnected with TST digital switches which are covered by the patents-in-suit.

COUNT I

PATENT INFRINGEMENT

7. Arthur A. Collins, Inc. repeats and incorporates by reference the allegations set forth in paragraphs 1 through 6.

8. Defendant has infringed one or more claims of the ‘589 and ‘907 patents through, among other activities, importing, manufacturing, using, selling and/or offering for sale SONET telecommunication networks interconnected with TST digital switches in this judicial district and elsewhere. Likewise, Defendant, through its actions, contributed to or induced the infringement of the ‘589 and ‘907 patents in violation of 35 U.S.C. §271.

9. Defendant’s infringement, contributory infringement and/or inducement to infringe has injured Arthur A. Collins, Inc. and entitles Arthur A. Collins, Inc. to recover

damages adequate to compensate it for such infringement.

10. On information and belief, Defendant's infringement of the patents-in-suit has been willful and deliberate and has continued without a reasonable basis to do so.

11. Defendant's infringement of the patents-in-suit has caused irreparable harm to Arthur A. Collins, Inc., which has no adequate remedy at law, and will continue to injure Arthur A. Collins, Inc. unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief in this case:


- a. That Defendant be ordered to pay damages adequate to compensate Plaintiff for its infringement of the patents-in-suit, together with prejudgment interest and costs;
- b. That Defendant be ordered to pay treble damages and attorneys' fees pursuant to 35 U.S.C. §284 and 285.
- c. That Defendant be enjoined from further infringement of the patents-in-suit; and,
- d. That Plaintiff be granted such other and additional relief against the Defendant 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.

DATED: April 14, 2004

Respectfully submitted,



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