

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

C-CATION, INC.,

Plaintiff,

v.

CEQUEL COMMUNICATIONS, LLC  
d/b/a SUDDENLINK  
COMMUNICATIONS

Defendant.

Civil Action No. 4:10-cv-1280

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff C-Cation, Inc. ("C-Cation"), complains of Defendant Cequel Communications, LLC d/b/a Suddenlink Communications (jointly referred to herein as "Suddenlink") as follows:

**NATURE OF LAWSUIT**

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 original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

**PARTIES AND PATENT**

2. C-Cation is a Delaware corporation that has its principal place of business at 150 Purchase Street, Rye, New York 10580. C-Cation owns all right, title and interest in, and has standing to sue for infringement of, U.S. Patent No. 5,642,155 entitled "Method and Apparatus for Supporting Two-Way Telecommunications on CATV Networks," which issued on June 24, 1997 ("the '155 Patent," Ex. A).

3. Cequel Communications, LLC is a Delaware Limited Liability Company with its principal place of business at 12444 Powerscourt Drive, Suite 450, St. Louis, Missouri 63131.

Cequel does business in the state of Missouri as Suddenlink Communications and registered a fictitious name filing under the name Suddenlink Communications with the Missouri Secretary of State on February 11, 2009 (File Number: 200904290681). Suddenlink has committed acts of infringement in this judicial district and does regular business, including providing the systems and services accused of infringement in this judicial district.

4. This Court has personal jurisdiction over Suddenlink by virtue of its tortious acts of patent infringement that have been committed in the state of Missouri and this judicial district, and by virtue of Suddenlink's transaction of business in the state of Missouri.

#### **VENUE**

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b).

#### **PATENT INFRINGEMENT**

6. Suddenlink has infringed and continues to infringe at least claim 1 of the '155 Patent under 35 U.S.C. § 271(a) through, among other activities, the use and operation of "Fiber-Deep" HFC (Hybrid Fiber/Cable) networks, systems and services.

7. Suddenlink's infringement has injured C-Cation, and C-Cation is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

8. Further, C-Cation will continue to be injured unless and until this Court enters an injunction prohibiting further infringement by Suddenlink.

9. To the extent applicable, C-Cation has complied with the provisions of 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, C-Cation, Inc., respectfully asks this Court to enter judgment against Defendant Cequel Communications, LLC d/b/a Suddenlink Communications and its subsidiaries, successors, parents, officers, directors, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of C-Cation on its claim of infringement for the '155 Patent;
- B. An award of damages adequate to compensate C-Cation for the infringement that has occurred, together with prejudgment interest from the date infringement of the '155 Patent began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. An award to C-Cation of all remedies available under 35 U.S.C. § 284;
- D. An award to C-Cation of all remedies available under 35 U.S.C. § 285;
- E. A permanent injunction prohibiting further infringement of the '155 Patent; and,
- F. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

C-Cation demands a trial by jury on all issues so triable.

DATED: July 15, 2010

Respectfully submitted,

**THE SIMON LAW FIRM, P.C.**

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