

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CyberFone Systems, LLC,

Plaintiff,

v.

Cox Communications, Inc.,

Defendant.

**Civil Action No.**

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff CyberFone Systems, LLC (“CyberFone”), alleges as follows:

**PARTIES**

1. CyberFone is a Texas limited liability company with its principal place of business at 719 West Front Street, Suite 242, Tyler, Texas 75702.

2. Defendant Cox Communications, Inc. (“Cox”) is a Delaware corporation with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Cox is subject to personal jurisdiction in this district, has committed acts of patent infringement in this district, or has a regular and established place of business in this district.

**COUNT I**  
**(Infringement of U.S. Patent No. 8,019,060)**

5. CyberFone is the owner by assignment of United States Patent No. 8,019,060 (“the ’060 patent”), entitled “Telephone/Transaction Entry Device and System for Entering Transaction Data Into Databases.” The ’060 patent issued on September 13, 2011. A true and correct copy of the ’060 patent is attached hereto as Exhibit A.

6. Cox has infringed and still is infringing at least claim 1 of the ’060 patent, literally and under the doctrine of equivalents, by performing, and by making, using, selling, and offering to sell services that include performing, the method of obtaining data transaction information entered on a telephone from a single transmission, forming a plurality of exploded data transactions for the single transmission, and sending different exploded data transactions to different destinations based on information entered in the single transmission, including, but not limited to, obtaining data transactions entered on telephones using its Cox Mobile Connect application for iPhone and Android phones, and its Cox Home Security application for iPhone.

7. Cox has infringed and still is infringing at least claim 13 of the ’060 patent, literally and under the doctrine of equivalents, by performing, and by making, using, selling, and offering to sell services that include performing, the method of obtaining data transaction information, forming a plurality of different, exploded data transactions, sending different exploded data transactions over a channel to respective destinations, and receiving data from at least one of said destinations, which data is used as part of the data transaction and is sent to a second destination, including, but not limited to, its video-on-demand services and its Cox Advanced TV Preferred, Cox Advanced TV Premier, and Cox Advanced TV Ultimate services.

8. Cox has been aware of the '060 patent since at least the filing of this complaint. Accordingly, Cox's acts of infringement since the filing of this complaint have been willful under 35 U.S.C. § 284.

9. As a result of Cox's infringement of the '060 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Cox's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Cox and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '060 patent, CyberFone will suffer irreparable harm.

**PRAYER FOR RELIEF**

CyberFone prays for the following relief:

1. A judgment that Cox has infringed (either literally or under the doctrine of equivalents) one or more claims of the '060 patent;
2. A judgment that Cox's infringement since the filing of the complaint has been willful;
3. A permanent injunction enjoining Cox and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing the '060 patent;
4. An award of damages resulting from Cox's acts of infringement, in accordance with 35 U.S.C. § 284;
5. An award for enhanced damages equal to treble the amount of actual damages, for the willful nature of Cox's acts of infringement since the filing of the complaint, as provided by 35 U.S.C. § 284.

6. An accounting for damages arising from Cox's infringement of the '060 patent, including loss of market share.

7. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to CyberFone its reasonable attorneys' fees against Cox;

8. A judgment and order requiring Cox to provide an accounting to pay supplemental damages to CyberFone, including without limitation, prejudgment and post-judgment interest; and

9. Any and all other relief to which CyberFone may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

CyberFone demands a trial by jury on all issues so triable.

January 30, 2012

OF COUNSEL:

Marc A. Fenster  
Russ, August & Kabat  
12424 Wilshire Boulevard, Twelfth Floor  
Los Angeles, CA 90025-1031  
(310) 826-7474  
mfenster@raklaw.com

BAYARD, P.A.

/s/ Richard D. Kirk

Richard D. Kirk (rk0922)  
Stephen B. Brauerman (sb4952)  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801  
(302) 655-5000  
rkirk@bayardlaw.com  
sbraerman@bayardlaw.com

*Attorneys for Plaintiff  
CyberFone Systems, LLC*