

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2012 APR 18 P 4: 22

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

TELE-TOWN HALL, LLC,)
)
 Plaintiff,)
)
 v.)
)
 BROADNET TELESERVICES, LLC)
)
)
 Defendant.)
 _____)

Case No.: 3:12 CV 294
REP
JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Tele-Town Hall, LLC (referred to herein as "Plaintiff" or "TTH"), brings this action against Defendant Broadnet Teleservices, LLC ("Broadnet") and for its cause of action alleges:

THE PARTIES

1. Plaintiff Tele-Town Hall, LLC is a company organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business in Arlington, Virginia.

2. Broadnet, on information and belief, is a limited liability company organized and existing under the laws of the State of Colorado, with its principal place of business at 1805 Shea Center Drive, Highlands Ranch, Colorado. Defendant may be served with this Complaint through its registered agent, Stephen P. Patterson, 1805 Shea Center Drive, Suite 160, Highlands Ranch, Colorado 80129.

THE PATENT

3. Plaintiff TTH is the owner by assignment of all rights, title and interest in and to U.S. Patent No. 7,994,861 (“the ’861 patent”).

4. The ’861 patent, titled “System and Process for Mass Telephony Conference Call,” was issued on May 17, 2011, based upon a provisional patent application filed October 14, 2003. A true and correct copy of the ’861 patent is attached hereto as Exhibit A.

5. Pursuant to 35 U.S.C. § 282, the ’861 patent is presumed valid.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. § 1338(a). Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b).

7. TTH is incorporated in the Commonwealth of Virginia and has a principal place of business in this judicial district.

8. Broadnet, upon information and belief, transacts business in this district by selling or offering for sale products employing the methods described and claimed in the ’861 patent and/or by conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

FACTUAL BACKGROUND

9. On, October 14, 2003, inventors Rodney A. Smith and Vladimir Smelyansky filed provisional patent application number 60/510,925 with the United States Patent and Trademark Office. That application became U.S. Patent No. 7,852,998 (“the ’998 patent”).

10. On February 8, 2006, inventors Smith, Smelyansky and Roman M. Marchevsy filed application number 10/954,837, as a continuation in part of the '998 patent. That application became the '861 patent.

11. The '861 patent claims, among other things, a method for providing automated conference calls to multiple conferees. The multiple conferees are placed in half-duplex mode until selected to actively participate in the call, at which time they are switched to full-duplex mode.

12. Defendant Broadnet provides telecommunication services, including providing teleforum services where a client or customer may be connected through telephone and computer networks with a very large number of persons.

13. Broadnet offers a service known as TeleForum, which allows a customer to simultaneously address, interact with, and collect information from thousands of constituents or other customers through a live, interactive conference.

14. TeleForum conference activity is viewed and controlled through a web interface that allows a Broadnet customer to control the call from start to finish, including screening audience questions and taking live polls.

PATENT INFRINGEMENT COUNT

15. On information and belief, Broadnet makes, uses, sells, or offers to sell systems that infringe at least Claim 1 of the '861 patent, including the TeleForum product, as well as any other system that functions similarly in accordance with the '861 patent.

16. By making, using, selling, and offering to sell the aforementioned services and systems, Broadnet has infringed and continues to infringe the '681 patent.

17. The infringement of the '861 patent alleged above has injured TTH and thus, it is entitled to recover damages adequate to compensate for Broadnet's infringement, which in no event can be less than a reasonable royalty.

18. Broadnet has had knowledge of the '861 patent and TTH's interest in such since the patent's issuance but has nonetheless continued to infringe despite an objectively high likelihood that it's actions constituted infringement of a valid patent. Therefore, any infringement by Broadnet was and continues to be willful. Therefore TTH seeks enhanced damages from Broadnet under 35 U.S.C. § 284.

DEMAND FOR JURY TRIAL

TTH demands a jury trial on all claims and issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

- A. that Defendant, Broadnet, has infringed one or more claims of the '861 patent;
- B. that Defendant, Broadnet, account for and pay to TTH all damages caused by the infringement of the '861 patent, which by statute can be no less than a reasonable royalty;
- C. that Broadnet's damages be multiplied up to three times the amount found;
- D. that TTH be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Broadnet's infringement of the '861 patent;
- E. that TTH be granted its costs and attorneys' fees in this action; and
- F. that TTH be granted such other and further relief that is found to be just and proper under the circumstances.

Respectfully submitted,

Dated: April 18, 2012



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