

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

CYBERFONE SYSTEMS, LLC (formerly
known as LVL PATENT GROUP, LLC),

Plaintiff,

v.

ATLANTIC BROADBAND FINANCE,
LLC; BRIGHT HOUSE NETWORKS, LLC;
CABLE ONE, INC.; CEQUEL
COMMUNICATIONS, LLC; CHARTER
COMMUNICATIONS HOLDING
COMPANY, LLC; CHARTER
COMMUNICATIONS, INC.; COMCAST
CORPORATION; COMCAST CABLE
COMMUNICATIONS, LLC; COX
COMMUNICATIONS, INC.; CSC
HOLDINGS LLC; INSIGHT
COMMUNICATIONS COMPANY, INC.;
KNOLOGY, INC.; MEDIACOM
BROADBAND LLC; RCN TELECOM
SERVICES, LLC; and TIME WARNER
CABLE INC.,

Defendants.

C.A. No. 11-828-SLR

DEMAND FOR JURY TRIAL

FIRST AMENDED COMPLAINT

Plaintiff CyberFone Systems, LLC (“CyberFone”), formerly known as LVL Patent Group, LLC, alleges as follows:

PARTIES

1. CyberFone is a Virginia limited liability company with its principal place of business at 2331 Mill Road, Suite 100, Alexandria, Virginia 22314.

2. Defendant Atlantic Broadband Finance, LLC (“Atlantic”) is a Delaware limited liability company with a principal place of business at 1 Batterymarch Park, Suite 405, Quincy, Massachusetts 02169. Atlantic has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

3. Defendant Bright House Networks, LLC (“Bright”) is a Delaware limited liability company with a principal place of business at 5000 Campuswood Drive, East Syracuse, New

York 13057. Bright has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

4. Defendant Cable ONE, Inc. (“Cable ONE”) is a Delaware corporation with a principal place of business at 1314 North 3rd Street, 3rd Floor, Phoenix, Arizona 85004. Cable One has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

5. Defendant Cequel Communications, LLC (“Cequel”) is a Delaware limited liability company with a principal place of business at 12444 Powerscourt Drive, Suite 450, St. Louis, Missouri 63131. Cequel has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

6. Defendant Charter Communications Holding Company, LLC (“Charter Holdings”) is a Delaware limited liability company with a principal place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131. Charter Holdings has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

7. Defendant Charter Communications, Inc. (“Charter Communications”) is a Delaware corporation with a principal place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131. Charter Communications has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

8. Defendant Comcast Corporation (“Comcast Corp.”) is a Pennsylvania corporation with a principal place of business at One Comcast Center, Philadelphia, Pennsylvania 19103. Comcast Corp. has appointed CT Corporation System, Two Commerce Square, 2001 Market Street, 5th Floor, Philadelphia, Pennsylvania 19103, as its agent for service of process.

9. Defendant Comcast Cable Communications, LLC (“Comcast Cable”) is a Delaware limited liability company with a principal place of business at One Comcast Center, Philadelphia, Pennsylvania 19103. Comcast Cable has appointed Comcast Capital Corporation,

1201 North Market Street, Suite 1000, Wilmington, Delaware 19801, as its agent for service of process.

10. 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.

11. Defendant CSC Holdings LLC (“CSC”) is a Delaware limited liability company with a principal place of business at 1111 Stewart Avenue, Bethpage, New York 11714. CSC has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

12. Defendant Insight Communications Company, Inc. (“Insight”) is a Delaware corporation with a principal place of business at 810 7th Avenue, New York, New York 10019. Insight has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

13. Defendant Knology, Inc. (“Knology”) is a Delaware corporation with a principal place of business at 1241 O.G. Skinner Drive, West Point, Georgia 31833. Knology has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

14. Defendant Mediacom Broadband LLC (“Mediacom”) is a Delaware limited liability company with a principal place of business at 100 Crystal Run Road, Middletown, New York 10941. Mediacom has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

15. Defendant RCN Telecom Services, LLC (“RCN”) is a Delaware limited liability company with a principal place of business at 196 Van Buren Street, Suite 300, Herndon, Virginia 20170. RCN appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19081.

16. Defendant Time Warner Cable Inc. (“Time Warner”) is a Delaware corporation with a principal place of business at 60 Columbus Circle, New York, New York 10023. Time Warner has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

JURISDICTION AND VENUE

17. 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).

18. Venue is proper in this district under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because each defendant 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. 6,044,382)

19. CyberFone is the owner by assignment of United States Patent No. 6,044,382 (“the ‘382 patent”), entitled “Data Transaction Assembly Server.” The ‘382 patent issued on March 28, 2000. A true and correct copy of the ‘382 patent is attached hereto as Exhibit A.

20. Atlantic has infringed and still is infringing at least claim 19 of the ‘382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Scientific Atlanta Explorer 8000 receiver and On Demand service.

21. Bright has infringed and still is infringing at least claim 19 of the ‘382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a

transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Cisco 8700 DVR receiver and On Demand Services.

22. Cable ONE has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its DCT 6400 series receiver (HD-DVR), Cable ONE Cable TV services, and Pay-Per-View service.

23. Cequel has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including but not limited to its Scientific Atlanta 2100 digital receiver, Suddenlink Digital TV and HDTV services, Video On Demand service, TiVo service, and Suddenlink2Go service.

24. Charter Holdings has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Motorola DCT6200 HD Digital Receiver, Charter TV service, Charter Business Hotel VOD, Channel 1 On Demand service, and Pay-Per-View service.

25. Charter Communications has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Motorola DCT6200 HD Digital Receiver, Charter TV service, Channel 1 On Demand service, and Pay-Per-View service.

26. Comcast Corp. has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Motorola DCT6200 HDTV Cable Box and XFINITY TV service.

27. Comcast Cable has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Motorola DCT6200 HDTV Cable Box and XFINITY TV service.

28. Cox has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited, to its Cox Advanced TV HD receiver, Cox Advanced TV services and On DEMAND service.

29. CSC has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Scientific Atlanta Explorer 4200 iO TV Cable Box, Optimum TV services, Family Cable service and iO On Demand service.

30. Insight has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a

transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Insight Set Top Box, On Demand service, Digital Cable service and Pay-Per-View service.

31. Knology has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its Scientific Atlanta Explorer 8300 HD DVR, Video on Demand service, Pay-Per-View service, Digital Gateway service, and Digital Preferred Plus service.

32. Mediacom has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its DCT2000 digital converter box, Mediacom Digital cable TV service, On Demand service and Pay-Per-View service.

33. RCN has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission medium, including, but not limited to, its RCN HD DVR, Signature Digital Cable service, Premier Digital Cable service, and On Demand service.

34. Time Warner has infringed and still is infringing at least claim 19 of the '382 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing a data transaction processing system comprising a transaction entry device, a transmission medium, and a server connected to the transaction entry device via the transmission

medium, including, but not limited to, its Samsung SMT-H3090 HD DVR, Digital TV services and On Demand service.

35. As a result of each Defendant's infringement of the '382 patent, CyberFone has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each Defendant's infringing activities are enjoined by this Court.

36. Unless a permanent injunction is issued enjoining each Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '382 patent, CyberFone will suffer irreparable harm.

PRAYER FOR RELIEF

CyberFone prays for the following relief:

1. A judgment that each Defendant has infringed (either literally or under the doctrine of equivalents) one or more claims of the '382 patent;
2. A permanent injunction enjoining each Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing the '382 patent;
3. An award of damages resulting from each Defendant's acts of infringement in accordance with 35 U.S.C. § 284;
4. 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 each Defendant;
5. A judgment and order requiring Defendants to provide an accounting to pay supplemental damages to CyberFone, including without limitation, pre-judgment and post-judgment interest; and
6. 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.

November 18, 2011

BAYARD, P.A.

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