

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

Civil Action No. \_\_\_\_\_

BROADNET TELESERVICES, LLC,

Plaintiff,

vs.

TELE-TOWN HALL, LLC,

Defendant.

---

**COMPLAINT FOR PATENT INFRINGEMENT**

---

Plaintiff Broadnet Teleservices, LLC (“Broadnet”), by and through its undersigned counsel, brings this action against Defendant Tele-Town Hall, LLC. (“TTH”) and alleges as follows:

**THE PARTIES**

1. Plaintiff Broadnet is a limited liability company organized and existing under the laws of the state of Colorado with its principal place of business in Highlands Ranch, Colorado.

2. Defendant TTH is a limited liability company organized and existing under the laws of the Commonwealth of Virginia and has its principal place of business at 4600 North Fairfax Dr., Suite 802, in Arlington, Virginia.

**JURISDICTION AND VENUE**

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

4. Personal jurisdiction and venue are proper in this District pursuant to 28 U.S.C. § 1391(b)-(c) and 1400(b) because TTH regularly conducts business in this District and is subject to jurisdiction here, because the acts of infringement which form the basis of this action occurred within this district, and because TTH has harmed and continues to harm Broadnet in this District.

**GENERAL ALLEGATIONS**

**Broadnet's Services and Patent**

5. Broadnet is the leading provider of teleforum conference calls in the United States. Broadnet's teleforum services allow organizations or individuals, such as companies, elected officials, and political candidates, to host live, interactive calls to which very large numbers of people (*i.e.* in the thousands, tens of thousands, or even hundreds of thousands) are invited to participate.

6. Broadnet is the owner by assignment of all right, title, and interest in and to a valid and enforceable United States Patent, U.S. Patent No. 8,266,535 ("the '535 patent"). The '535 patent is titled "Teleforum Apparatus and Method," and issued on September 11, 2012. A true and accurate copy of the '535 patent is attached hereto as Exhibit A.

7. The claims of the '535 patent generally relate to systems and methods for conducting teleforum conference calls. These calls may involve a large number of participants from a broad range of geographic areas. Geographically separate voice response units connected

by a bridge invite multiple invitees to become teleforum participants, who may join the teleforum call. Generally, most participants are joined in “listen-only” mode. Participants who seek to actively participate (e.g., to ask the speaker a question live during the call) may signal their request, at which point they are screened and may be joined to the teleforum conference in active mode (collectively, “the patented Broadnet Service”).

8. At all times relevant hereto, Broadnet is and has been practicing its patented Broadnet Service.

**Tele-Town Hall and its Infringing Services**

9. TTH is a direct competitor of Broadnet in the business of providing and facilitating large teleforum conference calls across the United States.

10. TTH offers its teleforum service (the “TTH Service”) under the name “Tele-Town Hall” and refers to its TTH Service as “Tele-Town Hall events” or “Tele-Town Hall meetings.”

11. The Tele-Town Hall events or meetings are teleforum calls that involve large numbers of participants across a broad geographic area. The TTH Service uses multiple dialing centers across the country, connected by a bridge, to invite multiple invitees to become teleforum participants.

12. TTH’s service rapidly dials out to a list of phone numbers, who receive a personalized, pre-recorded message from the Speaker inviting them to the live Tele-Town Hall meeting.

13. In addition, the TTH Service allows participants to self-initiate an inbound call to join the Tele-Town Hall Meeting.

14. Participants of the TTH Service are joined to the Tele-Town meeting or Tele-

Town event in listen-only mode. Participants may request to actively participate in the conference, such as to ask the speaker a question, by signaling a request using their phone keypad.

15. The TTH service uses “Call Screeners” who speak with the callers first, then place the callers into a queue for a live, two-way communication with the speaker.

16. The TTH service marketed and sold by TTH directly infringes at least independent claims 1, 13, 19, and 30 of Broadnet’s ‘535 Patent.

17. At no time has Broadnet given TTH permission, license or authorization to use the patented Broadnet Service.

**FIRST CLAIM FOR RELIEF**  
**(Direct Infringement of the ‘535 Patent)**

18. Broadnet repeats the allegations in the preceding paragraphs as though fully set forth herein.

19. By hosting, using, selling, and/or offering for sale the TTH services marketed under the brand name “Tele-Town Hall,” including without limitation “Tele-Town Hall meetings” and “Tele-Town Hall events,” TTH directly infringes at least independent claims 1, 13, 19, and 30 of the ‘535 patent.

20. Broadnet is being irreparably harmed by TTH’s continued infringement, and unless TTH, and its agents, employees, representatives, affiliates and all others acting in concert with TTH are enjoined from infringing the ‘535 patent, Broadnet will continue to be irreparably harmed.

21. Broadnet has no adequate remedy at law.

22. TTH’s infringement of the ‘535 patent is causing Broadnet injury, and Broadnet is

entitled to recover damages in an amount to be proven at trial. Among other remedies, Broadnet is entitled to lost profits or, in the alternative, no less than a reasonable royalty.

23. Any use, sale, or other acts of infringement following TTH's notice of the '535 patent will demonstrate objectively reckless conduct with respect to Broadnet's patent rights. As a result, any such continued infringement constitutes willful infringement of the '535 Patent and entitles Broadnet to treble damages and attorneys' fees as well as costs incurred in this action along with prejudgment interest under 35 U.S.C. §§ 284 and 285.

#### **JURY TRIAL DEMAND**

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

#### **PRAYER FOR RELIEF**

WHEREFORE, Broadnet requests that the Court enter Judgment in its favor and against TTH on all claims as follows:

A. finding, declaring, and adjudging that Defendant TTH has infringed one or more claims of the '535 patent;

B. awarding Broadnet damages against Defendant TTH, in an amount adequate to compensate Broadnet for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

C. enjoining TTH and its officers, directors, agents, servants, affiliates, employees, subsidiaries, parents, and all others acting in concert with TTH from infringing the '535 patent;

- D. finding TTH's infringement to be willful and awarding Broadnet three times the amount of Broadnet's actual damages pursuant to 35 U.S.C. § 284;
- E. finding this to be an exceptional case under 35 U.S.C. § 285, and awarding Broadnet its costs (including expert witness fees), disbursements, and reasonable attorney's fees incurred in this action and such other relief as may be appropriate;
- F. awarding Broadnet prejudgment and postjudgment interest as allowed by law; and
- G. granting such other and further relief as this Court may deem just and proper.

DATED this 11th day of September, 2012.

Respectfully submitted,

/s/ Timothy P. Getzoff  
Timothy P. Getzoff  
Emily J. Cooper  
HOLLAND & HART LLP  
One Boulder Plaza  
1800 Broadway, Suite 300  
Boulder, CO 80302  
Phone: (303) 473-2734  
Fax: (303) 473-2720  
[tgetzoff@hollandhart.com](mailto:tgetzoff@hollandhart.com)  
[ejcooper@hollandhart.com](mailto:ejcooper@hollandhart.com)

Attorneys for Plaintiff  
Broadnet TeleServices, LLC

Address of Plaintiff:  
1805 Shea Center Drive, Suite 160  
Highlands Ranch, Colorado 80129