

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AT&T INTELLECTUAL PROPERTY I, L.P.
and AT&T INTELLECTUAL PROPERTY II,
L.P.,

Plaintiffs,

v.

COX COMMUNICATIONS, INC.; COXCOM,
LLC; COX ARKANSAS TELCOM, L.L.C.;
COX COMMUNICATIONS ARIZONA, LLC;
COX ARIZONA TELCOM, L.L.C.; COX
CALIFORNIA TELCOM, L.L.C.; COX
COMMUNICATIONS CALIFORNIA, LLC;
COX COLORADO TELCOM, L.L.C.; COX
CONNECTICUT TELCOM, L.L.C.; COX
DISTRICT OF COLUMBIA TELCOM, L.P.;
COX FLORIDA TELCOM, L.P.; COX
COMMUNICATIONS GEORGIA, LLC; COX
GEORGIA TELCOM L.L.C.; COX IOWA
TELCOM, L.L.C.; COX IDAHO TELCOM,
L.L.C.; COX COMMUNICATIONS KANSAS,
L.L.C.; COX KANSAS TELCOM, L.L.C.; COX
COMMUNICATIONS GULF COAST, L.L.C.;
COX COMMUNICATIONS LOUISIANA,
L.L.C.; COX LOUISIANA TELCOM, L.L.C.;
COX MARYLAND TELCOM, L.L.C.; COX
MISSOURI TELCOM, LLC; COX NEBRASKA
TELCOM, L.L.C.; COX COMMUNICATIONS
OMAHA, L.L.C.; COX COMMUNICATIONS
LAS VEGAS, INC.; COX NEVADA TELCOM,
L.L.C.; COX NORTH CAROLINA TELCOM,
L.L.C.; COX OHIO TELCOM, L.L.C.; COX
OKLAHOMA TELCOM, L.L.C.; COX RHODE
ISLAND TELCOM, L.L.C.; COX
COMMUNICATIONS HAMPTON ROADS,
L.L.C.; and COX VIRGINIA TELCOM, L.L.C.,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs AT&T Intellectual Property I, L.P. and AT&T Intellectual Property II, L.P. (collectively “AT&T” or “Plaintiff”) file this Complaint for patent infringement against the Cox Communications Defendants¹ (“Cox” or “Defendant”), and alleges as follows:

I. BACKGROUND

1. AT&T and its predecessor companies are the pioneers of our global telecommunications system. From the telephone to the transistor, technologies developed by AT&T form the foundation for our modern interconnected digital world. AT&T continues to invest in research and development to bring new and innovative products and services to market. AT&T publishes its new inventions and discoveries through the patent system to advance the state of the art. AT&T’s contributions to the progress of the useful arts have been recognized by the grant of innumerable patents, eight Nobel prizes, and two Turing awards.

2. Cox is a regional cable company offering services in 22 states. Cox was founded after its corporate parent, Cox Enterprises Inc., began purchasing and consolidating local cable operators in the 1960s. Cox has predominately relied on others, such as AT&T, to develop the technologies necessary to deliver its services to its customers. In every market where Cox offers

¹ The Cox Communications Defendants comprise: Cox Communications, Inc.; CoxCom, LLC, Cox Arkansas Telcom, L.L.C.; Cox Communications Arizona, LLC; Cox Arizona Telcom, L.L.C.; Cox Communications California, LLC; Cox California Telcom, L.L.C.; Cox Colorado Telcom, L.L.C.; Cox Connecticut Telcom, L.L.C.; Cox District of Columbia Telcom, L.L.C.; Cox Florida Telcom, L.P.; Cox Communications Georgia, LLC; Cox Georgia Telcom L.L.C.; Cox Iowa Telcom, L.L.C.; Cox Idaho Telcom, L.L.C.; Cox Communications Kansas, L.L.C.; Cox Kansas Telcom, L.L.C.; Cox Communications Gulf Coast, L.L.C.; Cox Communications Louisiana, L.L.C.; Cox Louisiana Telcom, L.L.C.; Cox Maryland Telcom, L.L.C.; Cox Missouri Telcom, LLC; Cox Nebraska Telcom, L.L.C.; Cox Communications Omaha, L.L.C.; Cox Nevada Telcom, L.L.C.; Cox Communications Las Vegas, Inc.; Cox North Carolina Telcom L.L.C.; Cox Ohio Telcom, L.L.C.; Cox Oklahoma Telcom, L.L.C.; Cox Rhode Island Telcom, L.L.C.; Cox Virginia Telcom, L.L.C.; and Cox Communications Hampton Roads, L.L.C.

services, AT&T through its affiliates offers competing wireline and/or wireless data, voice, and/or video services.

3. In 2009, AT&T contacted Cox regarding Cox's ongoing infringement of a number of patents, including some of those enumerated in this complaint. Despite years of protracted negotiations, Cox has sought to avoid payment for its infringement by repeatedly delaying and rescheduling negotiations. Given every opportunity, Cox has failed to provide substantial arguments for either non-infringement or invalidity of AT&T's patents. Cox's conduct constitutes a steadfast refusal to take a license, even though Cox generates billions of dollars in revenue every year through its use of AT&T's technologies. AT&T has been forced to file this lawsuit to obtain a judgment that Cox owes royalty payments for its unauthorized use of AT&T's patented inventions.

II. PARTIES

4. Plaintiff AT&T Intellectual Property I, L.P. ("AT&T IP I") is a Nevada limited partnership.

5. Plaintiff AT&T Intellectual Property II, L.P. ("AT&T IP II") is a Nevada limited partnership.

6. Upon information and belief, Cox Communications, Inc. is incorporated, organized and existing under the laws of the State of Delaware. Cox maintains its principal place of business at 1400 Lake Hearn Drive, Atlanta, GA, 30319. Cox may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

7. Upon information and belief, CoxCom, LLC (“CoxCom”) is incorporated, organized and existing under the laws of the State of Delaware. CoxCom maintains its principal place of business at 1400 Lake Hearn Drive, Atlanta, GA, 30319. Upon information and belief, CoxCom is a wholly owned subsidiary of Cox Communications, Inc. and is the parent of each of the remaining Cox Communications Defendants except for Cox Communications Georgia, LLC, Cox Georgia Telcom, LLC, Cox Communications Las Vegas, Inc., LLC, and Cox Nevada Telcom LLC, all of which are direct or indirect subsidiaries of Cox Communications, Inc. CoxCom may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

8. Upon information and belief, Cox Arkansas Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Arkansas. Cox Arkansas Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Arkansas Telcom, L.L.C. is a subsidiary of CoxCom.

9. Upon information and belief, Cox Communications Arizona, LLC is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Arizona. Cox Communications Arizona, LLC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Arizona, LLC is a subsidiary of CoxCom.

10. Upon information and belief, Cox Arizona Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Arizona. Cox Arizona Telcom, L.L.C. may be served with process through its registered

agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Arizona Telcom, L.L.C. is a subsidiary of CoxCom.

11. Upon information and belief, Cox Communications California, LLC is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive NE, Atlanta, Georgia, 30319. Cox Communications California, LLC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications California, LLC is a subsidiary of CoxCom.

12. Upon information and belief, Cox California Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive NE, Atlanta, Georgia, 30319. Cox California Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox California Telcom, L.L.C. is a subsidiary of CoxCom.

13. Upon information and belief, Cox Colorado Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive NE, Atlanta, Georgia, 30319. Cox Colorado Telcom L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Colorado Telcom L.L.C. is a subsidiary of CoxCom.

14. Upon information and belief, Cox Connecticut Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business

in Connecticut. Cox Connecticut Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Connecticut Telcom, L.L.C. is a subsidiary of CoxCom.

15. Upon information and belief, Cox District of Columbia Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in the District of Columbia. Cox District of Columbia Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox District of Columbia Telcom, L.L.C. is a subsidiary of CoxCom.

16. Upon information and belief, Cox Florida Telcom, L.P. is organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive NE, Atlanta, Georgia, 30319. Cox Florida Telcom, L.P. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Florida Telcom, L.P. is a subsidiary of CoxCom.

17. Upon information and belief, Cox Communications Georgia, LLC is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Communications Georgia, LLC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Georgia, LLC is a subsidiary of Cox Communications, Inc.

18. Upon information and belief, Cox Georgia Telcom L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business

at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Georgia Telcom L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Georgia Telcom L.L.C. is a subsidiary of Cox Communications Georgia, LLC, which is a subsidiary of Cox Communications, Inc.

19. Upon information and belief, Cox Iowa Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Iowa Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Iowa Telcom, L.L.C. is a subsidiary of CoxCom.

20. Upon information and belief, Cox Idaho Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Idaho Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Idaho Telcom, L.L.C. is a subsidiary of CoxCom.

21. Upon information and belief, Cox Communications Kansas, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Kansas. Cox Communications Kansas, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Kansas, L.L.C. is a subsidiary of CoxCom.

22. Upon information and belief, Cox Kansas Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Kansas. Cox Kansas Telcom, L.L.C. may be served with process through its registered agent,

Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Kansas Telcom, L.L.C. is a subsidiary of CoxCom.

23. Upon information and belief, Cox Communications Gulf Coast, LLC is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Communications Gulf Coast, LLC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Gulf Coast, LLC is a subsidiary of CoxCom.

24. Upon information and belief, Cox Communications Louisiana, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Communications Louisiana, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Louisiana, L.L.C. is a subsidiary of CoxCom.

25. Upon information and belief, Cox Louisiana Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Louisiana Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Louisiana Telcom, L.L.C. is a subsidiary of CoxCom.

26. Upon information and belief, Cox Maryland Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business

in Maryland. Cox Maryland Telcom L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Maryland Telcom, L.L.C. is a subsidiary of CoxCom.

27. Upon information and belief, Cox Missouri Telcom, LLC is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Missouri. Cox Missouri Telcom, LLC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Missouri Telcom, LLC is a subsidiary of CoxCom.

28. Upon information and belief, Cox Nebraska Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Nebraska Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Nebraska Telcom, L.L.C. is a subsidiary of CoxCom.

29. Upon information and belief, Cox Communications Omaha, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Communications Omaha, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Omaha, L.L.C. is a subsidiary of CoxCom.

30. Upon information and belief, Cox Nevada Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business

in Nevada. Cox Nevada Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Nevada Telcom, L.L.C. is a subsidiary of Cox Communications, Inc.

31. Upon information and belief, Cox Communications Las Vegas, Inc. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Nevada. Cox Communications Las Vegas, Inc. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Las Vegas, Inc. is a subsidiary of Cox Communications, Inc.

32. Upon information and belief, Cox North Carolina Telcom L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox North Carolina Telcom L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox North Carolina Telcom L.L.C. is a subsidiary of CoxCom.

33. Upon information and belief, Cox Ohio Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business in Ohio. Cox Ohio Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Ohio Telcom, L.L.C. is a subsidiary of CoxCom.

34. Upon information and belief, Cox Oklahoma Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business

in Oklahoma. Cox Oklahoma Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Oklahoma Telcom, L.L.C. is a subsidiary of CoxCom.

35. Upon information and belief, Cox Rhode Island Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia 30319. Cox Rhode Island Telcom, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Rhode Island Telcom, L.L.C. is a subsidiary of CoxCom.

36. Upon information and belief, Cox Virginia Telcom, L.L.C. is incorporated, organized and existing under the laws of the State of Virginia, with a principal place of business at 6205 Peachtree Dunwoody Road, Atlanta, Georgia, 30328. Cox Virginia Telcom, L.L.C. may be served with process through the Secretary of State. Cox Virginia Telcom, L.L.C. is a subsidiary of CoxCom.

37. Upon information and belief, Cox Communications Hampton Roads, L.L.C. is incorporated, organized and existing under the laws of the State of Delaware, with a principal place of business at 1400 Lake Hearn Drive NE, Atlanta, Georgia 30319. Cox Communications Hampton Roads, L.L.C. may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Cox Communications Hampton Roads, L.L.C. is a subsidiary of CoxCom.

III. JURISDICTION AND VENUE

38. This action arises under the patent laws of the United States, Title 35, United States Code § 1, *et seq.* This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

39. Personal jurisdiction exists generally over each of the Defendants because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Delaware. All Defendants (with the exception of Cox Virginia Telcom, L.L.C., a Virginia entity) are residents of the State of Delaware, are organized under the laws of the State of Delaware, and maintain an agent for service in the State of Delaware. Each of the Defendant entities has also availed itself of the courts in this District and is therefore subject to personal jurisdiction. See Complaint, *Cox Communications, Inc. v. Sprint Comms. Co.*, Case No. 1:12-cv-00487-UNA, Dkt. No. 1 (D. Del. Apr. 16, 2012).

40. Venue is appropriate in the District of Delaware under 28 U.S.C. §§ 1391(b), 1391(c)(2), and 1400(b).

IV. GENERAL ALLEGATIONS

41. United States Patent No. 5,809,492 (“the ‘492 Patent”) entitled “APPARATUS AND METHOD FOR DEFINING RULES FOR PERSONAL AGENTS,” was duly and legally issued by the United States Patent and Trademark Office on September 15, 1998 after full and fair examination. A request for *ex parte* reexamination of the ‘492 Patent was filed on June 3, 2010. On September 27, 2013, the United States Patent Office duly and legally issued *Ex Parte* Reexamination Certificate No. 5,809,492 C1 confirming the patentability of claims 1, 2, 12, 13, 24-27, claim 30 as amended, and claims 31-45 which were added during the reexamination.

AT&T IP II is the assignee of all rights, title, and interest in the '492 Patent, including the right to recover damages for past infringement. A copy of the '492 Patent with its Reexamination Certificate is attached as Exhibit A to this Complaint.

42. The '492 Patent discloses methods and apparatuses for software agents to incorporate user information and generate and maintain rules, identify and repair conflicting rules, and implement the actions mandated by those rules. The advances of the '492 patent allow user interactions with complex computer programs to be simplified, which in turn allows rules to be programmed into computers without the need for the user to have any expertise in the art.

43. United States Patent No. 6,118,976 ("the '976 Patent") entitled "ASYMMETRIC DATA COMMUNICATIONS SYSTEM," was duly and legally issued by the United States Patent and Trademark Office on September 12, 2000 after full and fair examination. Two requests for *ex parte* reexamination of the '976 Patent were filed on December 4, 2010 and January 10, 2011. On November 30, 2011, the United States Patent Office duly and legally issued *Ex Parte* Reexamination Certificate No. 6,118,976 C1 confirming the patentability of claims 19 and 27 and adding claims 32-52. AT&T IP I is the assignee of all rights, title, and interest in the '976 patent, including the right to recover damages for past infringement. A copy of the '976 Patent with its Reexamination Certificate is attached as Exhibit B to this Complaint.

44. The '976 Patent discloses a point to multipoint distribution system for analog and digital content including a return path for user control information. The '976 Patent discloses both the overall content distribution system and the component parts, such as set top boxes, needed to implement such a system. The advances of the '976 patent allow a single device to

select between and tune both analog and digital content streams, and to transmit data back to the source of one or more of those streams.

45. United States Patent No. 6,487,200 (“the ‘200 Patent”) entitled “PACKET TELEPHONE SYSTEM,” was duly and legally issued by the United States Patent and Trademark Office on November 26, 2002 after full and fair examination. A certificate of correction was issued on March, 11, 2003. AT&T IP II is the assignee of all rights, title, and interest in the ‘200 patent, including the right to recover damages for past infringement. A copy of the ‘200 Patent with its certificate of correction is attached as Exhibit C to this Complaint.

46. The ‘200 Patent discloses a packet telephone system employing network interface units that convert between voice and DTMF signals from telephony devices and packets from a packet network. The ‘200 Patent also discloses important features of such systems, including the remote programmability of network interface units and the use of equipment identification numbers to manage the packet network and connected devices.

47. United States Patent No. 6,952,668 (“the ‘668 Patent”) entitled “METHOD AND APPARATUS FOR PERFORMING PACKET LOSS OR FRAME ERASURE CONCEALMENT,” was duly and legally issued by the United States Patent and Trademark Office on October 4, 2005 after full and fair examination. AT&T IP II is the assignee of all rights, title, and interest in the ‘668 patent, including the right to recover damages for past infringement. A copy of the ‘668 Patent is attached as Exhibit D to this Complaint.

48. United States Patent No. 7,233,897 (“the ‘897 Patent”) entitled “METHOD AND APPARATUS FOR PERFORMING PACKET LOSS OR FRAME ERASURE CONCEALMENT,” was duly and legally issued by the United States Patent and Trademark

Office on June 19, 2007 after full and fair examination. Certificates of correction issued for the '897 patent on September 4, 2007 and September 28, 2010. AT&T IP II is the assignee of all rights, title, and interest in the '897 Patent, including the right to recover damages for past infringement. A copy of the '897 Patent with its certificates of correction is attached as Exhibit E to this Complaint.

49. United States Patent No. 7,908,140 (“the ‘140 Patent”) entitled “METHOD AND APPARATUS FOR PERFORMING PACKET LOSS OR FRAME ERASURE CONCEALMENT,” was duly and legally issued by the United States Patent and Trademark Office on March 15, 2011 after full and fair examination. AT&T IP II is the assignee of all rights, title, and interest in the ‘140 patent, including the right to recover damages for past infringement. A copy of the ‘140 Patent is attached as Exhibit F to this Complaint.

50. The ‘668, ‘897, and ‘140 Patents (collectively, “Kapilow Patents”) disclose methods and apparatuses for performing packet loss or frame erasure concealment in a packet based network used for voice transmission. Packet loss or frame erasure concealment allows a packet based network to simulate the quality of a circuit switched telephone network by inserting estimates of missing voice clips when packets are lost during transmission. The advances of the Kapilow Patents made packet based telephone service acceptable to users accustomed to the quality of circuit switched telephone service.

51. United States Patent No. 6,993,353 (“the ‘353 Patent”) entitled “CABLE DATA SERVICE METHOD,” was duly and legally issued by the United States Patent and Trademark Office on January 31, 2006 after full and fair examination. AT&T IP II is the assignee of all

rights, title, and interest in the '353 patent, including the right to recover damages for past infringement. A copy of the '353 Patent is attached as Exhibit G to this Complaint.

52. The '353 Patent discloses a method for transmitting data over an RF cable using multiple RF channels that are then recombined at a receiver. This method, commonly referred to as channel bonding, allows for efficient use of cable spectrum to deliver high bandwidth connections to subscribers.

53. United States Patent No. 7,907,714 ("the '714 Patent") entitled "PROFILE MANAGEMENT SYSTEM INCLUDING USER INTERFACE FOR ACCESSING AND MAINTAINING PROFILE DATA OF USER SUBSCRIBED TELEPHONY SERVICES," was duly and legally issued by the United States Patent and Trademark Office on June 19, 2007 after full and fair examination. A certificate of correction issued for the '714 patent on August 16, 2011. AT&T IP I is the assignee of all rights, title, and interest in the '714 patent, including the right to recover damages for past infringement. A copy of the '714 Patent with its certificate of correction is attached as Exhibit H to this Complaint.

54. The '714 Patent discloses a management system that allows users to access and maintain their own subscriber profile information. This allows subscribers to obtain a higher level of service while simultaneously lowering cost to the service provider by reducing the need for customer service representatives.

55. The '492 Patent, '976 Patent, '200 Patent, '668 Patent, '353 Patent, '897 Patent, '140 Patent, and '714 Patent are referred to collectively as the "Patents-In-Suit." The Patents-In-Suit each relate to systems and methods for improving the quality and reducing the cost of telecommunications network services.

56. Cox is engaged in the business of offering television, internet, and telephone services to its subscribers, as well as renting them the necessary equipment. Cox offers television service through set top boxes that practice the claims of the '492 and '976 Patents. Cox also offers telephone service through a packet telephone network infringing the '200, '897, '140, and '668 Patents. In addition, Cox offers internet service by infringing the '353 Patent. Cox also manages its users of these services and maintains their customer profiles by infringing the '714 Patent.

V. COUNT I: INFRINGEMENT OF THE '492 PATENT

57. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '492 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, Digital Video Recorders (DVRs) and Set Top Boxes (STBs), that embody one or more claims of the '492 Patent. Accused DVRs and STBs include at least the Explorer 8000, 8240, and 8300 DVRs.

58. Cox has induced and is inducing infringement of the '492 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use the accused DVRs and STBs to create, organize, identify, and resolve potentially conflicting program recording requests. Cox knows the '492 Patent is infringed when the accused DVRs and STBs are used. For example, in May 2010, AT&T representatives provided a detailed demonstration of Cox's Explorer 8300HD infringement of claim 1 of the '492 Patent. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use the accused DVRs and STBs, thereby infringing the '492 Patent, by providing subscribers with the accused DVRs and STBs and

providing instructions and support for their use. Upon information and belief, Cox generated significant revenue in connection with the sale and/or rental of the accused DVRs and STBs even though Cox knew that such actions would induce actual infringement.

59. Cox indirectly infringes one or more claims of the '492 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use the accused DVRs and STBs to create, organize, identify, and resolve potentially conflicting program recording requests. The accused DVRs and STBs include particular functionality within their hardware and software components for creating rules, organizing rules into a hierarchical order, determining when rules are in conflict, and suggesting repairs to those rules. The accused DVRs and STBs do not function in an acceptable manner absent the claimed functionality for creating, organizing, identifying and resolving potentially conflicting rules. Furthermore, the functionality of creating and managing rules does not operate in isolation, but is designed to operate with the accused DVRs and STBs. Absent the claimed functionality of creating and managing rules, the accused DVRs and STBs would not operate in an acceptable manner. The systems and software for creating, organizing, identifying, and resolving potentially conflicting program recording requests are non-staple articles with no substantial non-infringing use other than infringing the '492 Patent. The accused DVRs and STBs are especially adapted to operate in a manner that infringes the '492 Patent. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least May 2010 that the accused DVRs and STBs and their hardware and software components responsible for creating, organizing, identifying, and resolving potentially conflicting program recording requests are non-staple articles with no

substantial use other than infringing the '492 Patent, but has continued to provide the accused DVRs and STBs to its customers and subscribers.

60. Cox's infringement of the '492 Patent has been willful and deliberate. Cox has known about the '492 Patent since at least May 2010, when it received a detailed demonstration of its infringement. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

61. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '492 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

VI. COUNT II: INFRINGEMENT OF THE '976 PATENT

62. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '976 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, DVRs and STBs that embody one or more claims of the '976 Patent. Accused DVRs and STBs include at least the Explorer 8000, 8000HD, 8300, and 8300HD series DVRs.

63. Cox has induced and is inducing infringement of the '976 Patent by others in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use the accused DVRs and STBs to

receive Cox's services. Cox knows the '976 Patent is infringed by the accused DVRs and STBs and induces infringement by requiring its customers and/or subscribers to use these infringing articles in order to receive Cox's services. For example, on or before May 2010, AT&T representatives provided a detailed demonstration of Cox's Explorer 8300HD infringing claim 19 of the '976 Patent. In spite of this knowledge, Cox continued to require its customers and/or subscribers to use the accused DVRs and STBs, thereby infringing the '976 patent, in order to receive Cox's services. Upon information and belief, Cox and its employees, agents, and technicians continued to sell, rent, install, and/or service the accused DVRs and STBs to Cox's customers and/or subscribers after learning of their infringement. Upon information and belief, Cox generated significant revenue in connection with the sale and/or rental of the accused DVRs and STBs, even though Cox knew that such actions would induce actual infringement.

64. Cox indirectly infringes one or more claims of the '976 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use the accused DVRs and STBs to receive Cox's services. The accused DVRs and STBs include particular functionality within their hardware and software components for receiving, tuning, decoding, and displaying analog and digital inputs on an external display and transmitting subscriber requests and other information back to Cox's facilities. The accused DVRs and STBs do not function in an acceptable manner absent the claimed functionality. The claimed functionality in the accused DVRs and STBs has no substantial non-infringing use other than infringing the '976 Patent. The accused DVRs and STBs are especially adapted to infringe the '976 Patent. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least May 2010 that the accused DVRs and STBs and their hardware and software components

responsible for receiving, tuning, decoding, and displaying analog and digital inputs on an external display and transmitting subscriber requests and other information back to Cox's facilities are non-staple articles with no substantial use other than infringing the '976 Patent, but has continued to provide the accused DVRs and STBs to its customers and subscribers.

65. Cox's infringement of the '976 Patent has been willful and deliberate. Cox has known about the '976 Patent since at least May 2010, when it received a detailed demonstration of its infringement. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

66. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '976 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

VII. COUNT III: INFRINGEMENT OF THE '200 PATENT

67. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '200 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, a telephone system that embodies at least claim 2 of the '200 Patent. The accused telephone systems include at least Cox's digital telephone system and related network and equipment.

68. Cox has induced and is inducing infringement of the '200 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's digital telephone system. Cox knows the '200 Patent is infringed when their digital telephone system is used. For example, in September 2009, AT&T representatives provided a detailed demonstration of Cox's digital telephone system's infringement of claim 2 of the '200 Patent. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use its digital telephone system, thereby infringing the '200 Patent. Upon information and belief, Cox generated significant revenue through its subscribers' use of its digital telephone system, even though Cox knew that such actions would induce actual infringement.

69. Cox indirectly infringes one or more claims of the '200 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's digital telephone system. The accused telephone system includes particular functionality within its hardware and software components that are especially made to infringe the '200 Patent, with no substantial non-infringing uses. For example, the eMTAs in Cox's digital telephone system, including the Motorola SBV5220 VOIP Cable Modem, are non-staple articles that do not function in an acceptable manner unless part of the claimed telephone system. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least September 2009 that its digital telephone system and its component parts are non-staple articles with no substantial use other than infringing the '200 Patent, but has continued to provide its digital telephone service and related equipment to its customers and subscribers.

70. Cox's infringement of the '200 Patent has been willful and deliberate. Cox has known about the '200 Patent since at least September 2009, when it received a detailed demonstration of its infringement. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

71. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '200 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

VIII. COUNT IV: INFRINGEMENT OF THE '668 PATENT

72. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '668 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, packet telephone system network components including at least eMTAs that embody at least claim 1 of the '668 Patent. The accused components include all of Cox's eMTAs and other network components implementing G.711 Appendix I packet loss concealment or an equivalent, including at least the Motorola 5220 and Arris TM502G, TM202A, and TM402A models.

73. Cox has induced and is inducing infringement of the '668 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use the accused components. Cox

knows the '668 Patent is infringed when the accused network components are used. For example, in February 2010, AT&T representatives provided a detailed demonstration of Cox's accused eMTAs infringing the Kapilow Patents, specifically claim 1 of the '897 Patent. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use the accused components, thereby infringing the '668 Patent. Upon information and belief, Cox generated significant revenue through its subscribers' use of the accused components, even though Cox knew its customers' use constituted actual infringement.

74. Cox indirectly infringes one or more claims of the '668 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's packet telephone system network components including at least the accused components. The accused components include particular functionality within their hardware and software components that is especially made to infringe the '668 patent, with no substantial non-infringing uses. For example, the hardware and software components in the accused components related to packet loss concealment are non-staple articles that do not function in an acceptable manner unless part of the claimed apparatus. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least February 2010 that its accused components and their component parts are non-staple articles with no substantial use other than infringing the '668 patent, but has continued to provide its digital telephone service and related equipment to its customers and subscribers.

75. Cox's infringement of the '668 Patent has been willful and deliberate. Cox has known about the '668 Patent since at least February 2010, when it received a detailed demonstration of its infringement of the Kapilow Patents. Moreover, Cox lacks justifiable belief

that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

76. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '668 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

IX. COUNT V: INFRINGEMENT OF THE '897 PATENT

77. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '897 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, packet telephone system network components including at least eMTAs that embody at least claim 1 of the '897 Patent. The accused components include all of Cox's eMTAs and other network components implementing G.711 Appendix I packet loss concealment or an equivalent, including at least the Motorola 5220 and Arris TM502G, TM202A, and TM402A models.

78. Cox has induced and is inducing infringement of the '897 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use packet telephone system network components including at least the accused components. Cox knows the '897 Patent is infringed when the accused network components are used. For example, in February 2010, AT&T representatives provided a detailed demonstration of Cox's accused eMTAs infringing the

Kapilow Patents, specifically claim 1 of the '897 Patent. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use the accused components, thereby infringing the '897 Patent. Upon information and belief, Cox generated significant revenue through its subscribers' use of the accused components, even though Cox knew its customers' use constituted actual infringement.

79. Cox indirectly infringes one or more claims of the '897 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's packet telephone system network components including at least the accused components. The accused components include particular functionality within their hardware and software components that is especially made to infringe the '897 patent, with no substantial non-infringing uses. For example, the hardware and software components in the accused components related to packet loss concealment are non-staple articles that do not function in an acceptable manner unless part of the claimed methods and apparatuses. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least February 2010 that its accused components and their component parts are non-staple articles with no substantial use other than infringing the '897 patent, but has continued to provide its digital telephone service and related equipment to its customers and subscribers.

80. Cox's infringement of the '897 Patent has been willful and deliberate. Cox has known about the '897 Patent since at least February 2010, when it received a detailed demonstration of its infringement of the Kapilow Patents. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is

therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

81. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '897 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

X. COUNT VI: INFRINGEMENT OF THE '140 PATENT

82. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '140 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, packet telephone system network components including at least eMTAs that embody at least claim 1 of the '140 Patent. The accused components include all of Cox's eMTAs and other network components implementing G.711 Appendix I packet loss concealment or equivalent, including at least the Motorola 5220 and Arris TM502G, TM202A, and TM402A models.

83. Cox has induced and is inducing infringement of the '140 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use packet telephone system network components including at least the accused components. Cox knows the '140 Patent is infringed when the accused network components are used. For example, in February 2010, AT&T representatives provided a detailed demonstration of Cox's accused eMTAs infringing the Kapilow Patents, specifically claim 1 of the '897 Patent. AT&T also informed Cox that additional patents, including the '140, were still in prosecution. Cox therefore knew of the '140

patent, or was willfully blind of its existence, when it issued on March 2011. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use the accused components, thereby infringing the '140 Patent. Upon information and belief, Cox generated significant revenue through its subscribers' use of the accused components, even though Cox knew its customers' use constituted actual infringement.

84. Cox indirectly infringes one or more claims of the '140 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's packet telephone system network components including at least the accused components. The accused network components include particular functionality within their hardware and software components especially made to infringe the '140 patent, with no substantial non-infringing uses. For example, the hardware and software components in the accused components related to packet loss concealment are non-staple articles that do not function in an acceptable manner unless part of the claimed methods. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least March 2011 that its accused components and their component parts are non-staple articles with no substantial use other than infringing the '140 patent, but has continued to provide its digital telephone service and related equipment to its customers and subscribers.

85. Cox's infringement of the '140 Patent has been willful and deliberate. Cox has known about the Kapilow Patents since at least February 2010, when it received a detailed demonstration of its infringement, and knew of or was willfully blind to the existence of the '140 Patent as of its issuance in March 2011. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high

likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

86. As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '140 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

XI. COUNT VII: INFRINGEMENT OF THE '353 PATENT

87. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '353 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, a cable internet system that embodies at least claim 1 of the '353 Patent. The accused cable internet systems include at least Cox's DOCSIS 3.0 system and related network and equipment.

88. Cox has induced and is inducing infringement of the '353 Patent in the United States in violation of 35 U.S.C. § 271(b). The direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's cable internet system. Cox knows the '353 Patent is infringed when their cable internet system is used. For example, in February 2010, AT&T representatives provided a detailed demonstration of Cox's cable internet system's infringement of claim 1 of the '353 Patent. In spite of this knowledge, Cox continued to induce its employees, customers, and/or subscribers to use its cable internet system, thereby infringing the '353 Patent. Upon information and belief, Cox generated significant revenue

through its subscribers' use of its cable internet system, even though Cox knew that its actions would induce actual infringement.

89. Cox indirectly infringes one or more claims of the '353 Patent by contributory infringement under 35 U.S.C. § 271(c). Direct infringement occurs when Cox, its contractors and employees, customers, and/or subscribers use Cox's cable internet system. The accused cable internet system includes particular functionality within their hardware and software components that is especially made to infringe the '353 Patent, with no substantial non-infringing uses. For example, the cable modems, cable modem termination systems, and RF gateways in Cox's DOCSIS 3.0 cable internet system are or contain components that are non-staple articles that do not function in an acceptable manner unless practicing the claimed methods of the '353 Patent. Any other use would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Cox has known since at least February 2010 that its cable internet system and component parts are non-staple articles with no substantial use other than infringing the '353 Patent, but has continued to provide its cable internet service and related equipment to its customers and subscribers.

90. Cox's infringement of the '353 Patent has been willful and deliberate. Cox has known about the '353 Patent since at least February 2010, when it received a detailed demonstration of its infringement. Moreover, Cox lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted despite an objectively high likelihood that its conduct constitutes infringement of a valid patent. AT&T is therefore entitled to an award of enhanced damages, attorneys' fees, and costs in bringing this action pursuant to 35 U.S.C. §§ 284 and 285.

91. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '353 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

XII. COUNT VIII: INFRINGEMENT OF THE '714 PATENT

92. Cox has directly infringed and continues to infringe, directly and/or indirectly, the '714 Patent by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, a profile management system that embodies one or more claims of the '714 Patent. The accused profile management systems include at least Cox's Voice Manager system and related network and equipment.

93. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '714 Patent, AT&T has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

XIII. PRAYER FOR RELIEF

Plaintiffs pray for the following relief:

- A. A judgment that Cox has infringed the Patents-In-Suit, directly and/or indirectly;
- B. A judgment awarding Plaintiff actual damages under 35 U.S.C. § 284 (but in no event less than a reasonable royalty), and supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting as needed;

C. A judgment and order requiring Cox to pay a compulsory ongoing royalty for any future infringement of the patents-in-suit;

D. A judgment and order requiring Cox to pay Plaintiff pre-judgment and post-judgment interest at the maximum rate allowed by law;

E. A judgment and order finding this to be an exceptional case and requiring Cox to pay the costs of this action (including all disbursements) and Plaintiffs' attorneys' fees, pursuant to 35 U.S.C. § 285;

F. A judgment and order finding that Cox's infringement is willful and deliberate, entitling Plaintiff to enhanced damages pursuant to 35 U.S.C. § 284;

G. An accounting for any damages that are not encompassed within the determination of the jury; and

H. Such other and further relief as the Court deems just and equitable.

XIV. DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by a jury.

ASHBY & GEDDES

/s/ Lauren E. Maguire

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Dated: August 28, 2014