

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

C-CATION TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	JURY TRIAL DEMANDED
ATLANTIC BROADBAND GROUP, LLC,)	
BAJA BROADBAND, LLC, BRIGHT HOUSE)	
NETWORKS, LLC, CABLEVISION SYSTEMS)	
CORPORATION, COX COMMUNICATIONS,)	
INC., MEDIACOM COMMUNICATIONS)	
CORPORATION, METROCAST CABLEVISION,)	
LLC, RCN TELECOM SERVICES, LLC,)	
WAVEDIVISION HOLDINGS, LLC and)	
WIDOPENWEST FINANCE, LLC,)	
)	
Defendants.)	

COMPLAINT

Plaintiff C-Cation Technologies, LLC (“Plaintiff”), through its attorneys, for its complaint against defendants Atlantic Broadband Group, LLC, Baja Broadband, LLC, Bright House Networks, LLC, Cablevision Systems Corporation, Cox Communications, Inc., Mediacom Communications Corporation, MetroCast Cablevision, LLC, RCN Telecom Services, LLC, WaveDivision Holdings, LLC, and WideOpenWest Finance, LLC (collectively “Defendants”), alleges as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas with a principal place of business at 150 Purchase Street, Suite 9, Rye, New York.

2. Upon information and belief, Defendant Atlantic Broadband Group, LLC (“Atlantic”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 2 Batterymarch Park, Quincy, Massachusetts.

3. Upon information and belief, Defendant Baja Broadband, LLC (“Baja”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 901 N. Florida Ave., Alamogordo, New Mexico.

4. Upon information and belief, Defendant Bright House Networks, LLC (“Bright House”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 5000 Campuswood Drive, Suite 1, East Syracuse, New York.

5. Upon information and belief, Defendant Cablevision Systems Corporation (“Cablevision”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1111 Stewart Ave, Bethpage, New York.

6. Upon information and belief, Defendant Cox Communications, Inc. (“Cox”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia.

7. Upon information and belief, Defendant Mediacom Communications Corporation (“Mediacom”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at One Mediacom Way, Mediacom Park, New York.

8. Upon information and belief, Defendant MetroCast Cablevision, LLC (“MetroCast”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 9 Apple Road, Belmont, New Hampshire.

9. Upon information and belief, Defendant RCN Telecom Services (“RCN”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 196 Van Buren Street, Herndon, Virginia.

10. Upon information and belief, Defendant WideOpenWest Finance, LLC (“WideOpenWest”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 7887 East Belleview Avenue, Englewood, Colorado.

11. Upon information and belief, Defendant WaveDivision Holdings, LLC (“WaveDivision”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 401 Kirkland Parkplace, Suite 500, Kirkland, Washington.

JURISDICTION AND VENUE

12. This action arises under the patent laws of the United States, Title 35 of the United States Code (for example, 35 U.S.C. §§ 271, 281, 283, 284, and 285).

13. Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has personal jurisdiction over Defendants. Each defendant is a corporation organized and existing under the laws of the State of Delaware, and each defendant maintains a registered agent for service of process in Delaware.

15. Venue in this judicial district is proper under 28 U.S.C. §§ 1391 and 1400(b).

COUNT ONE – INFRINGEMENT OF U.S. PATENT 5,563,883

16. Plaintiff incorporates by reference Paragraphs 1 through 15 in their entirety as if fully set forth herein.

17. On October 8, 1996, United States Letters Patent No. 5,563,883 (“the ’883 patent,” attached as Exhibit A), entitled “Dynamic Channel Management and Signalling Method and Apparatus,” were duly and legally issued. Plaintiff is the owner of all rights, title, and interest in and to the ’883 patent, and possesses all rights to sue and recover for any current or past infringement of the ’883 patent.

18. The ’883 patent is valid and enforceable.

19. Upon information and belief, Defendants have infringed the ’883 patent by making, using, testing, implementing, and/or operating cable systems that fall within and whose use falls within the scope of at least one claim of the ’883 patent, and/or by offering for sale, selling, advertising, and/or marketing cable services (telephone, internet, and/or television services) provided through such cable systems. The accused cable systems include cable systems components such as cable modem termination systems, RF and optical transmission hardware, network monitoring equipment, and customer premises equipment (*e.g.*, cable modems, embedded multimedia terminal adapters, and set-top boxes), including but not limited to components that are compliant with the Data Over Cable System Interface Specification (“DOCSIS”) Standard (*e.g.*, versions 1.1, 2.0 and 3.0). In particular, Defendants, without authority from Plaintiff, provided, operated, implemented, and/or marketed cable systems and/or cable services that performed, were capable of performing, or were provided using channel management functions, including but not limited to static load balancing, dynamic load balancing, passive load balancing, and/or channel assignment and reassignment (“accused functions”). Defendants’ cable systems that performed or were capable of performing the accused functions, and/or the use of such cable systems, infringed one or more claims of the ’883 patent.

20. On information and belief, each Defendant's accused cable systems included DOCSIS-compliant cable system components, including cable modem termination systems and customer premises equipment, manufactured, sold, and/or supplied by Arris Group, Inc., Casa Systems, Inc., and/or Cisco Systems, Inc. Each Defendant used the DOCSIS-compliant cable system components manufactured, sold, and/or supplied by Arris Group, Inc., Casa Systems, Inc., and/or Cisco Systems, Inc. to perform the accused channel management functions.

21. As a result of Defendants' acts of infringement, Plaintiff has suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. A judgment in favor of Plaintiff that Defendants have infringed, literally and/or under the doctrine of equivalents, at least one claim of the '883 patent;
- B. An award to Plaintiff of the damages to which it is entitled under at least 35 U.S.C. § 284 for Defendants' past infringement;
- D. A judgment and order requiring Defendants to pay the costs of this action (including all disbursements), as well as attorneys' fees as provided by 35 U.S.C. § 285;
- E. An award to Plaintiff of pre-judgment and post-judgment interest on its damages; and
- F. Such other further relief in law or equity to which Plaintiff may be justly entitled.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Lewis V. Popovski
Jeffrey S. Ginsberg
Sheila Mortazavi
KENYON & KENYON LLP
One Broadway
New York, NY 10004-1007
Tel: (212) 425-7200

Dated: April 7, 2015
1186037 / 42394

By: /s/ David E. Moore
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com
bpalapura@potteranderson.com

Attorneys for Plaintiff
C-Cation Technologies, LLC