

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

C-CATION TECHNOLOGIES, LLC,

Plaintiff,

Case No. 2:14-cv-59

v.

TIME WARNER CABLE INC.,
TIME WARNER CABLE ENTERPRISES
LLC, TIME WARNER CABLE TEXAS LLC,
ARRIS GROUP, INC., CISCO
SYSTEMS, INC., and CASA SYSTEMS,
INC.

DEMAND FOR JULY TRIAL

Defendants.

COMPLAINT

Plaintiff C-Cation Technologies, LLC (“plaintiff”), through its attorneys, for its complaint against defendants Time Warner Cable Inc., Time Warner Cable Enterprises LLC, Time Warner Cable Texas LLC, Arris Group, Inc., Cisco Systems, Inc., and Casa Systems, Inc. (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. On information and belief, defendant Time Warner Cable Inc. (“TWC Inc.”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 60 Columbus Circle, New York, New York 10023.

3. On information and belief, defendant Time Warner Cable Enterprises LLC (“TWC Enterprises”) is a subsidiary of TWC Inc. and is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business at 60 Columbus Circle, New York, New York 10023.

4. On information and belief, defendant Time Warner Cable Texas LLC (“TWC Texas”) is a subsidiary of TWC Enterprises and is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business at 60 Columbus Circle, New York, New York 10023.

5. On information and belief, defendant Arris Group, Inc. (“Arris”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 3871 Lakefield Drive, Suwanee, Georgia.

6. On information and belief, defendant Cisco Systems, Inc. (“Cisco”) is a corporation organized and existing under the laws of the State of California with a principal place of business at 170 West Tasman Drive, San Jose, California.

7. On information and belief, defendant Casa Systems, Inc. (“Casa Systems”) is a corporation organized and existing under the laws of the State of Massachusetts with a principal place of business at 100 Old River Road, Suite 100, Andover, MA 01810.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code.

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

10. This Court has personal jurisdiction over defendants. On information and belief, defendants either directly or indirectly through one or more of their subsidiaries, affiliates, partners, or other related parties, have conducted and/or continue to conduct business within the State of Texas, including the Eastern District of Texas. On information and belief, defendants have and/or do now, directly or through intermediaries (including distributors, retailers, and others) ship, distribute, offer for sale, sell, advertise, operate, use and/or direct the operation and use of their respective cable systems, cable system components, and/or cable services in the United States, the State of Texas, and the Eastern District of Texas.

11. On information and belief, 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
BY TWC, INC., TWC ENTERPRISES AND TWC TEXAS**

12. Plaintiff incorporates by reference Paragraphs 1 through 11 in their entirety as if fully set forth herein.

13. 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,” was duly and legally issued. Plaintiff is the owner of all rights, title, and interest in and to the ’883 patent.

14. The ’883 patent is valid and enforceable.

15. On information and belief, TWC Inc., TWC Enterprises, and TWC Texas (collectively “TWC”) have been and are now infringing 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 system 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, TWC, without authority from plaintiff, provides, operates, implements, and/or markets cable systems and/or cable services that perform, are capable of performing, or are 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”). TWC’s cable systems that perform or are capable of performing the accused functions, and/or the use of such cable systems, infringe one or more claims of the ’883 patent.

16. On information and belief, the cable system components that perform or are capable of performing the accused functions in TWC’s accused cable systems are directly or indirectly purchased from, and/or otherwise supplied by, Arris, Cisco, and/or Casa Systems.

17. On information and belief, TWC has had knowledge of the ’883 patent at least as early as November 1998, through a letter directed to Dick Aurelio, Senior Advisor, that identified the ’883 patent. On November 16, 1998, TWC’s Chief Technical Officer, James A. Chiddix, acknowledged receipt of that letter.

18. On information and belief, TWC is willfully infringing the ’883 patent. TWC has acted knowingly or with reckless disregard despite an objectively high likelihood that its actions constitute infringement of plaintiff’s patent rights. TWC knew of or should have known of this objectively high risk.

19. As a result of TWC's acts of infringement, plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial.

COUNT TWO – INFRINGEMENT OF U.S. PATENT 5,563,883 BY ARRIS

20. Plaintiff incorporates by reference Paragraphs 1 through 19 in their entirety as if fully set forth herein.

21. On information and belief, Arris has been and is now infringing the '883 patent by making, using, testing, implementing, selling, and/or offering to sell cable systems and/or components thereof that fall within and whose use falls within the scope of at least one claim of the '883 patent. Any Arris cable systems and/or components that perform or are capable of performing the accused functions (and/or the use of such cable systems and/or components thereof), and that are not licensed by plaintiff, infringe one or more claims of the '883 patent.

22. On information and belief, Arris has been and is now inducing the infringement of the '883 patent by making, offering for sale, selling, advertising and/or marketing to cable providers such as TWC, who are not licensed by plaintiff, cable system components for use in cable systems that infringe and whose use infringes at least one claim of the '883 patent. These cable system components include, but are not limited to, cable modem termination systems and customer premises equipment that perform, or are capable of performing, the accused functions. These components include but are not limited to cable system components that are compliant with the DOCSIS standard (*e.g.*, versions 1.1, 2.0 and 3.0).

23. On information and belief, Arris encourages and instructs its customers, including cable providers such as TWC, who are not licensed by plaintiff, to infringe with knowledge that the induced acts constitute patent infringement. Arris has been and is now intentionally instructing and/or directing cable providers, who are not licensed by plaintiff, to purchase, use

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