

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DRIDEN MULTICOMMUNICATIONS, LLC

Plaintiff,

v.

CENTURYLINK, INC.; CENTURYTEL  
BROADBAND SERVICES, LLC.; QWEST  
CORPORATION

Defendants.

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

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Driden Multicommunications, LLC ("Driden" or "Plaintiff"), by way of  
Complaint against the above-named Defendants (collectively, "CenturyLink" or "Defendants"),  
alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the  
United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Driden is a limited liability company organized under the laws of the  
State of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant CenturyLink, Inc. ("CLI") is a corporation organized under the laws of  
the State of Louisiana with its principal place of business at 100 CenturyLink Drive, Monroe, LA  
71203.

4. Defendant CenturyTel Broadband Services, LLC (“CBSL”) is a corporation organized under the laws of the State of Louisiana with its principal place of business at 100 CenturyLink Drive, Monroe, LA 71203.

5. Defendant Qwest Corporation (“Qwest”) is a corporation organized under the laws of the State of Delaware with its principal place of business at 1801 California Street, Suite 5100, Denver, CO 80202.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

8. On information and belief, Defendant Qwest is subject to the jurisdiction of this Court because it is incorporated or organized in this State. Moreover, on information and belief, each Defendant has engaged in acts of patent infringement which have been committed in this Judicial District, and has regularly conducted and systematic business contacts in this State. As such, each Defendant has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being haled into court in this Judicial District; has purposefully directed activities at residents of this State; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

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

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,841,840**

10. The allegations set forth in the foregoing paragraphs 1 through 9 are hereby realleged and incorporated herein by reference.

11. On November 24, 1998, United States Patent No. 5,841,840 ("the '840 Patent"), entitled "Multiple Line Modem and Method for Providing Voice on Demand," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '840 Patent is attached as Exhibit A to this Complaint.

12. Driden is the assignee and owner of the right, title and interest in and to the '840 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

13. In violation of 35 U.S.C. § 271, Defendants have directly infringed, both literally and under the doctrine of equivalents, the '840 Patent by providing and using products and services that practice the subject matter claimed in one or more claims of the '840 Patent in the United States, including within this Judicial District, without the authority of Driden. These products and services include without limitation CenturyLink's DSL and standalone DSL services, including High-Speed Internet and Pure Broadband, as well as CenturyLink's customer premises and central office equipment, operations support system, and customer services that provision Defendants' DSL and standalone DSL services (collectively, "Accused Services and Products").

14. Driden has been harmed by Defendants' infringing activities.

**JURY DEMAND**

Driden demands a trial by jury on all issues triable as such.

### **PRAYER FOR RELIEF**

WHEREFORE, Driden respectfully requests that this Court enter judgment for Driden and against Defendants as follows:

- a. An adjudication that Defendants have infringed the '840 Patent;
- b. An award of damages to be paid by Defendants adequate to compensate Driden for Defendants' past infringement of the '840 Patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- c. An order that Defendants pay an ongoing royalty in an amount to be determined for any continued infringement after the date judgment is entered; and
- d. For such further relief at law and in equity as the Court may deem just and proper.

Dated: November 14, 2012

STAMOULIS & WEINBLATT LLC

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