

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

HOWLINK GLOBAL LLC,

Plaintiff,

v.

SECURUS TECHNOLOGIES, INC.,

Defendant.

Civil Action No.: 4:13-cv-562

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Howlink Global LLC (“Howlink”) hereby alleges patent infringement against Defendant Securus Technologies, Inc. (“Defendant” or “Defendant SECURUS”) on personal knowledge and information and belief, as follows:

THE PARTIES

1. Howlink is a Texas limited liability company with a principal location at 101 E. Park Blvd, Suite 600, Plano, Texas 75074.
2. On information and belief, Defendant SECURUS is a Delaware corporation with a principal place of business at 14651 Dallas Parkway, Dallas, Texas 75254.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Personal jurisdiction and venue are proper in this district under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has a regular and established place of business in this district, has transacted business in this district, and/or has committed, contributed

to, and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction consistent with the principles of due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum directly related to the allegations set forth herein, including: (i) a portion of the infringement alleged herein, including making, using, selling, offering to sell, and/or importing products, methods and/or systems that infringe one or more claims of the patent-in-suit; (ii) the presence of established distribution and/or marketing channels; and (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals and entities in Texas and this judicial district.

COUNT I
INFRINGEMENT OF UNITED STATES PATENT NO. 8,477,766

6. Howlink is the exclusive owner of all rights to duly issued United States Patent No. 8,477,766 entitled "Method for Collect Call Service Based on VoIP Technology and System Thereof" ("766 Patent"), including but not limited to the right to sue for damages. The United States Patent and Trademark Office issued the '766 Patent on July 2, 2013. A true and correct copy of the '766 Patent is attached to this Complaint as Exhibit A.

7. On information and belief, Defendant SECURUS has been and is directly infringing, inducing others to infringe, and/or contributorily infringing, literally, under the doctrine of equivalents, and/or jointly, one or more claims of the '766 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering to sell, and/or importing systems and methods that implement, utilize or otherwise embody the patented invention, including by way of example certain VoIP-based telecommunication products and services, such as its Secure Call Platform™, Securus Architecture™, and Secure Connect Network™ (SCN), which are described at least in part online at <https://securustech.net/web/securus/correctionalstaff>. Therefore, Defendant SECURUS is liable for infringement of the '766 Patent.

8. Defendant SECURUS has been and is inducing and/or contributing to the direct infringement of the ‘766 Patent by at least, but not limited to, customers and end-users, such as correctional facilities and inmates at those correctional facilities, who directly implement or use the accused systems, products and services, which have no substantial non-infringing uses, by at least the following affirmative acts: (1) advertising in public and marketing the features, benefits and availability of the accused systems, products, and services; (2) promoting the adoption and installation of the accused systems, products and services through bids; and (3) providing instructions on how to use the accused systems, products and services.

9. On information and belief, Defendant SECURUS has had actual or constructive knowledge of the ‘766 Patent since at least the issuance date of July 2, 2013 due to Defendant SECURUS’s enforcement preparation and activities against Global Tel*Link Corporation (“GTL”), including the filing of *Securus Technologies, Inc. v. Global Tel*Link Corp.*, Case No. 3:13-cv-03009, in the United States District Court for the Northern District of Texas.

10. On information and belief, Defendant SECURUS conducted a reasonable level of background due diligence before filing its case against GTL, which included investigation into other lawsuits against GTL, such as *Howlink Global LLC v. Global Tel*Link Corp. et al.*, Case No. 4:12-cv-00230, in which GTL had been accused of infringing related U.S. Patent No. 7,876,744 (“‘744 Patent”) in this Court.

11. On information and belief, Defendant SECURUS conducted a reasonable level of background due diligence on the ‘744 Patent, which included the then pending continuation application that resulted in the issuance of the ‘766 Patent. Therefore, Defendant SECURUS had knowledge of the ‘744 Patent and/or the then pending continuation application for the ‘766 Patent as early as this period.

12. Therefore, on information and belief, Defendant was apprised of the ‘766 Patent’s issuance on July 2, 2013 at least through its monitoring of the progress of the then pending continuation application for the ‘766 Patent.

13. On information and belief, Defendant SECURUS failed to take adequate steps to

determine whether or not it would be directly and/or indirectly infringing the '766 Patent, despite having been on notice of the '766 Patent, and therefore acted and continues to act willfully in its direct infringement and with the specific intent to induce and/or contribute to the infringement of others.

14. Howlink has been and is irreparably harmed by Defendant SECURUS's infringement of the '766 Patent. Howlink has incurred and will continue to incur substantial damages, including monetary damages, unless Defendant SECURUS is enjoined from further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Howlink respectfully requests that this Court:

(a) enter judgment in favor of Howlink that Defendant has infringed, and continues to infringe, a valid and enforceable '766 Patent;

(b) enjoin Defendant, its officers, subsidiaries, agents, servants, employees, and all persons in active concert with any of them, from any further infringement of the '766 Patent;

(c) award Howlink all monetary relief available under the patent laws of the United States, including but not limited to actual damages, reasonable royalties, pre- and post-judgment interest, enhanced damages, and costs pursuant to 35 U.S.C. § 284;

(d) declare this case exceptional and award Howlink its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

(e) grant Howlink such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Howlink demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Date: September 24, 2013

Respectfully submitted,

/s/ Elizabeth L. DeRieux

S. Calvin Capshaw, III
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
D. Jeffrey Rambin
State Bar No. 00791478
CAPSHAW DeRIEUX, LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Main: (903) 236-9800
Fax: (903) 236-8787
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com
E-mail: jrambin@capshawlaw.com

Adrian M. Pruetz
Cal. Bar No. 118215
Michael G. Oleinik
Cal. Bar No. 181163
Andrew Y. Choung
Cal. Bar No. 203192
GLASER WEIL FINK JACOBS HOWARD
AVCHEN & SHAPIRO LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, CA 90067
Main: (310) 553-3000
Fax: (310) 785-3506
E-mail: apruetz@glaserweil.com
E-mail: moleinik@glaserweil.com
E-mail: achoung@glaserweil.com

Attorneys for Plaintiff Howlink Global LLC