**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SERENITIVA LLC,	
Plaintiff,	**CIVIL ACTION NO 6:17-cv-463**
v.	
VOCALCOM LLC,	**JURY TRIAL DEMANDED**
Defendant.	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1.   This is an action for patent infringement in which Serenitiva LLC makes the following allegations against Vocalcom LLC.

PARTIES

2.   Plaintiff Serenitiva LLC ("Plaintiff" or "Serenitiva") is a Texas limited liability company with its principal place of business at 1400 Preston Rd, Suite 492, Plano, Texas 75094.

3.   On information and belief, Vocalcom LLC ("Defendant" or "Vocalcom") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 120 E Abram, Arlington, TX 76010. Vocalcom's mailing address as reported to the Texas Secretary of State is PO Box 120842, Arlington, TX 76012.

JURISDICTION AND VENUE

4.   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).

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is a non-corporation, and, thus, resides in this District for venue purposes.

6.   On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,865,268

7.   Plaintiff is the owner of United States Patent No. 6,865,268 ("the '268 patent") entitled "Dynamic, Real-Time Call Tracking for Web-Based Customer Relationship Management." The '268 Patent issued on March 8, 2005. A true and correct copy of the '268 Patent is attached as Exhibit A.

8.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '268 patent. The '268 patent provides, among other things, " A method for providing interactive, real-time call tracking and resolution management over a communications network, comprising the steps of: providing an on-line call ticket request form for creating and submitting a call ticket for resolution; generating and displaying an interactive, on-call board user interface that identifies a plurality of members that are assigned and available to respond to a call ticket from a customer, a present status of each member and a primary contact number; automatically generating and displaying on the on-call board a plurality of icons representing communications options for each member based on the member's status; and providing a plurality of icons that are accessible to each member and that generate hyperlinks to a plurality of additional functions associated with call tracking and resolution."

9.   Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '268 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Defendant's Contact Center software ("the accused instrumentality") provides a method for providing interactive, real-time call tracking and resolution management over a communications network. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant

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has injured Plaintiff and is thus liable for infringement of the '268 patent pursuant to 35 U.S.C. § 271.

10.   Based on present information and belief, the accused instrumentality provides an on-line call ticket request form (e.g., live chat, email) for creating and submitting a call ticket (e.g., ticket) for resolution.

All-in-one cloud contact center software solution that grows with you

Highly secure, scalable and easy-to-use cloud contact center software

Scale On Demand. Regain Control. Manage the customer experience as a single conversation, no matter what the source is - phone, web, email, text message, or social media. Vocalcom cloud contact center provides agents the tools and information they need to excel by offering an intuitive interface that links customer context from different channels and pushes dynamic guidance to agents -- providing more satisfaction, better engagement and a faster resolution for your customers. In addition, features like skills-based routing, prioritized calls, and data-driven routing allow you to provide your customers with a truly personalized experience. Best of all, Vocalcom Vitual Hold can eliminate hold time by giving to your customers the option to receive an agent callback when their position arrives to the front of the queue, smoothing out call spikes, and giving customers back what they value most – their time.

http://www.vocalcom.com/en/hosted-call-center-software-cloud-based-contact-center/#overview

- Single Customer View Console

Comprehensive Contact History : View all of the customer's previous calls, voicemails, emails, tickets, chat transcripts, support requests and more. Information is compiled from your CRM, Helpdesk, back office solutions, back office solutions, and social media accounts to provide a comprehensive overview of the customer.

- Case Management & Agent Collaboration

Agent Collaboration : Route inquiries to the right agents and keep them all organized with intelligent tools that help you close cases in record time. Automatically collect and organize customer interactions from every channel. When agents log in to the console, they can dive right into their cases, prioritized based on business needs. With Vocalcom, agents can quickly escalate cases to experts to close cases faster.

http://www.vocalcom.com/en/customer-service-software/key-features/

Auto-acknowledgement

Auto-Reply Immediately and confirms receipt of inquiries and sets response-time expectations for customers.

Intelligent auto-response

Provides fast, prepared responses to commonly asked questions, reducing the number of agent inquiries.

Auto-suggested solutions

Analyzes incoming inquiries and sends automated, accurate replies with links to relevant answers in the knowledge base. The result: first-touch resolution before an inquiry ever enters the agent queue.

Agent assistance

Helps agents respond to new or unique issues by automatically suggesting possible answers based on the content of each

Business rules

Efficiently manages incoming e-mail and Web form flow by automatically assigning inquiries to appropriate agents based on content, time, customer type, and even emotional level.

Escalation rules

Notifies managers and triggers follow-up to help meet response commitments or provide special handling of priority customers.

Single Integrated Knowledge Base

Increase agent productivity with standard response templates and access to knowledge base.

Customer Interaction History

Increase customer satisfaction and save processing time by providing agents with complete customer interaction history.

http://www.vocalcom.com/en/web-based-call-center-software-form

Call Recording

Improve performances and the quality by monitoring and evaluating agent interactions.

Automatic Call Back

Every missed Call is a missed opportunity. Call back automatically when your agents are available.

Web Call Back

Use the Click-to-Call-Back functionality so your customers can request a call back from your website. This starts a call from your service team to your customer automatically - meaning

calling IT. It's simple. Just drag and drop..

Real-time Monitoring

Monitor your KPIs and valuable metrics from Anywhere. Advanced reporting and easy-to-use administration interface lets you manage and track your campaigns.

Powerful Configuration Manager

Instant Changes - Be nimble, make changes instantly online without IT. Agents, Supervisors & Administrators love the simplicity and advanced features.

http://www.vocalcom.com/en/web-based-call-center-software-form
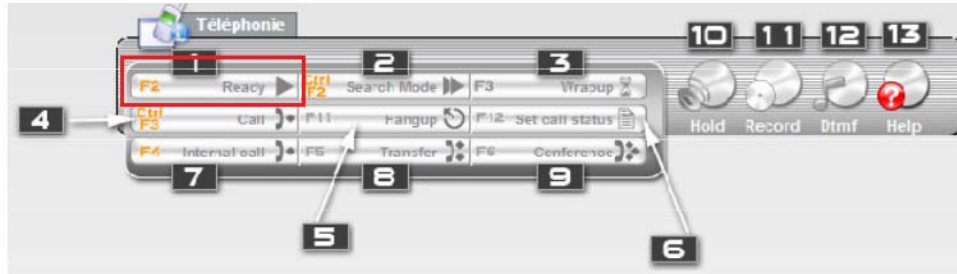
11.   Based on present information and belief, the accused instrumentality generates and displays individually to a plurality of members (e.g., agents) on a display device of each member an interactive, on-call board user interface window (e.g., Vocalcom console) that identifies members that are assigned (e.g., agents) and available to respond (e.g., agent's status i.e. ready) to a call ticket (e.g., ticket) from a customer, a number of call tickets (e.g., active tickets) assigned to each member, a present status of each member (e.g., agent's status i.e. ready)and a primary phone number (e.g., phone number) designated by each member corresponding to a voice communication device located at an office or non-office location where the member can most likely be communicated with via the voice communication device.

3. CTI bar: this bar allows using all the phone functionalities offered by the Hermes.NET solution. In the default Workspace, all the options are activated, according to the rights given to the agent in the Administration of Hermes.NET.

4. Status bar: this bar show the agent status, the duration in state, the phone line status, the VocalcomSoftPhone status and the supervision indicators. In the default frameset, all this information is always displayed and this bar is always positioned on top of the workstation.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

The horizontal buttons are also accessible using the keyboard keys. The key or the key combination is written on the button. When the button is active, the key indicator turns orange. It turns gray when the button is inactive.

The buttons represented by an icon are only accessible using the mouse. Again the icon is colored when active and grayed out when inactive.

Every button can use a different function according to the agent's state. The text on the button indicates the active function.

1. This button has two functions:
   a. Put the agent on a "ready" status on the telephony system (it means that the agent is ready to receive calls).
   b. Put the agent on a "pause" status on the telephony system (it means that the agent won't be able to handle calls during the pause). The pause screen is explained later in section 4.1 – Element "Pause".

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

In a custom Workspace it is possible to place multiple "State of the queues" items configured on the media for which view the status of the queues.
It is also possible to display only a single "State of the queues" configured item to display three media queues.

If multiple media are configured on a single element, the values are displayed in the form of a PivotTable:
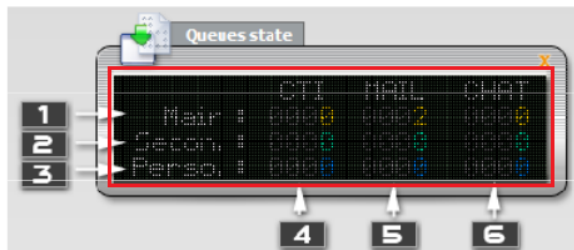
1. On this line are displayed the main queue agent information.
2. On this line are displayed the subqueue agent information.
3. On this line are displayed the personal agent queue information.
4. In this column are displayed the telephone agent queue information.
5. On this column are displayed the agent email queue information.
6 On this column are displayed the chat agent queue information.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20W orkspace%20V4_EN.pdf

4.2.2 Call another agent

This option allows you to call another agent working on the same site of the agent making the call.

Calling an agent is available in the following cases:

• Internal call

• Consult

• Call Transfer

Agents list is refreshed at the opening of the element and when the agent selects **"Agent"** in the list.

If the agent remains a certain time on this window before choosing the agent to call, it is possible that the agent status of a destination is not the same as that shown.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20W orkspace%20V4_EN.pdf
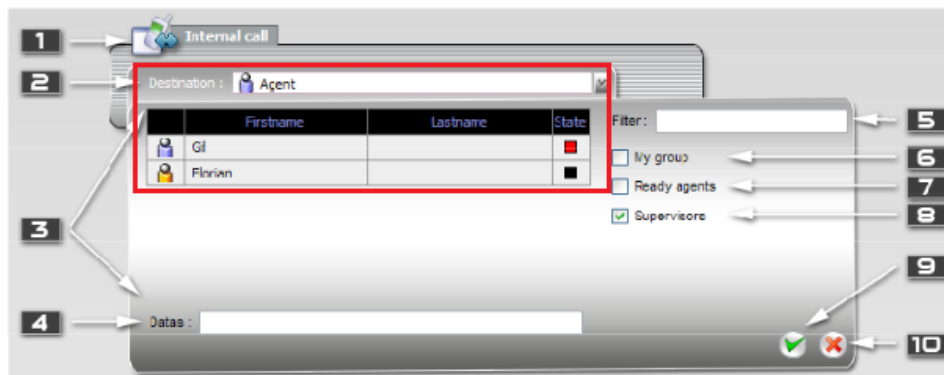
1. Logo of the element.

2. Drop-down list to select the type of destination (the list is filled with choices according to the type of call to be made).

3. List of agents currently connected.

The full name of the agent is informed and an indicator on its state:

▪ Blue if the agent is in aftercall

▪ Green if the agent is ready to receive a call

▪ Orange if the agent is busy online

▪ Red if the agent is paused or previewing a sheet

Whatever the state of the agent, it is possible to call. Only the call will be put on hold as long as the agent is not "ready".

If no agent is logged instead of the agent list, the message "no agent connected" will be displayed.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20W orkspace%20V4_EN.pdf

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4.4.1 Transfer to another agent

This option allows to transfer the email to another agent of the same site.

The list of available agents is refreshed at the opening of the element and when the agent selects "Agent" in the list. If the agent remains a certain time on this window before choosing the agent to whom he wishes to transfer, it is possible that the agent state information are no longer the same as those shown.
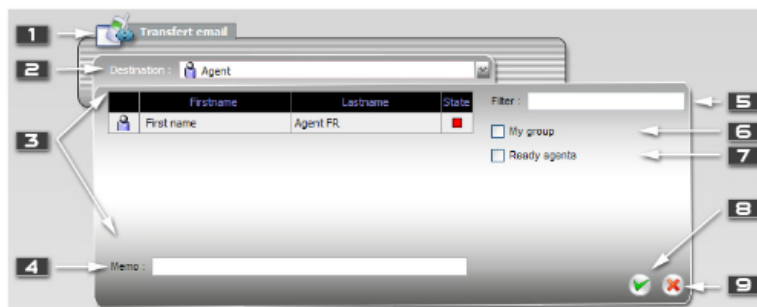
1. Logo of the element.

2. Drop-down list to select the destination type of transfer.

3. Table showing a list of available agents.

Whatever the state of the agent, the agent may select. However according to the state, the agent may not take the mail directly.

The agent selects the agent to transfer the email by clicking on the corresponding line.

To help the agent to select several indicators on his status are provided:

1. The first column shows the name of the agent

2. The second column shows the name of the agent

3. The third column shows a status indicator that can have the following values:

• Green if the agent is ready to receive the email (email processing element open, but doesn't handle it for now, and available phone: Ready or after-call).

• Orange if the agent can receive the transfer is busy on the phone (email open, but isn't handling it, telephone or preview).

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

4. Free zone where the agent can enter a memo. The memo will be sent with the mail and displayed in the item "Information" of the agent who receives the email.

5. Allows you to filter the table result from the first or last name of the agent. The agent validates the filter using the button "enter".

6. Can display only agents belonging to the same agent supervision group in the Administration Hermes.Net (if this filter is checked).

7. Can display only agents ready to receive the mail transferred (if the filter is checked): processing element email open, but is not being processed.

8. Used to validate the information and make the transfer. If no agent has been selected, the following message is displayed to the agent: "Please enter the phone number."
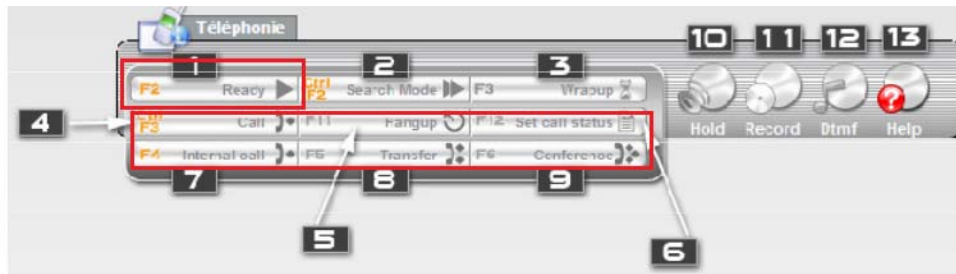
9. This button cancels the transfer request and closes the element.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

12.   Based on information and belief, the accused instrumentality automatically generates and displays on the on-call board user interface window (e.g., Vocalcom console) a

plurality of icons representing communications options (e.g., chat, call, transfer, conference) for each member based on the member's status.

The horizontal buttons are also accessible using the keyboard keys. The key or the key combination is written on the button. When the button is active, the key indicator turns orange. It turns gray when the button is inactive.

The buttons represented by an icon are only accessible using the mouse. Again the icon is colored when active and grayed out when inactive.

Every button can use a different function according to the agent's state. The text on the button indicates the active function.

1. This button has two functions:
   a. Put the agent on a "ready" status on the telephony system (it means that the agent is ready to receive calls).
   b. Put the agent on a "pause" status on the telephony system (it means that the agent won't be able to handle calls during the pause). The pause screen is explained later in section 4.1 – Element "Pause".

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20W orkspace%20V4_EN.pdf

7. This button has two functions:
   a. "Internal call": allows the agent to dial a free number. In this mode, no contact information (Dynamic scripts, indice of the call...) will be displayed to the agent. The internal call screen is explained later on chapter 4.2 – Elements "Manual call" / "Internal call" / "Consult".
   b. "Consult": during the call, this button allows calling a third party (a supervisor for example). The call consult screen is explained later on chapter 4.3 – Element "Consult chat".

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20W orkspace%20V4_EN.pdf

3.3 "Chat window" element

This element allows the agent to work on chat campaigns.
It is not present in the default workstation; a customized workspace must be created therefore.

When the element is open, the agent is considered as "ready" to handle email. When closed, the agent is considered in "pause". So to stop handling chat the agent must close the element.

When the agent is waiting an incoming chat session (no chat waiting for the skills the agent is dedicated to) the popup displays the message "Waiting for chat".

An agent can handle multiple chat sessions at the same time. The total amount of sessions the agent can open is configured in the Administration.Net per agent or per group.

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

3.3.3 Agent state during chat

An agent can handle as many simultaneous chat sessions as defined in Administration Hermes.Net.

The agent isn't considered busy in a chat as long as it hasn't been qualified.

If an agent has pressed the "Pause" button during a conversation (see "Pause" button explained earlier), he'll first have to finish the active chat before the pause is active; but for the chat ACD, the agent won't be considered available anymore (for predictive and distribution calculation).

If an agent is consulted, the consult is the same as a normal conversation, in the way that it's considered by the system as handling a chat session.

As long as the agent has active conversations (not qualified sessions), he can't exit the workspace or disconnect himself (the buttons are disabled)

http://documentation.vocalcomusa.com/Hermes.Net%20User%20Manuals/English/Agent%20Workspace%20V4_EN.pdf

13.   Based on present information and belief, the accused instrumentality provides a plurality of icons on the on-call board user interface window (e.g., Vocalcom console) that are accessible to each member and that generate hyperlinks to a plurality of additional Functions (e.g., guidance tools and information) associated with call tracking and resolution.

eGain integration

Tightly integrated solution between Vocalcom and eGain : The integrated solution of eGain Knowledge and Vocalcom enables effective, efficient and consistent customer service across the contact center and web self-service, powered by consistent multichannel knowledge, and providing unprecedented flexibility in optimizing the use of blended agents. The joint solution improves customer retention, sales and contact center productivity by improving metrics such as Average Handle Time (AHT), Total Handle Time (THT), First-Contact Resolution (FCR) and sales conversion by bootstrapping frontline interactions with customer context, arming agents with relevant knowledge at the point of interaction to resolve customer queries and cross-sell/upsell, and automating call wrap-up and follow-on service fulfillment through a two-way integration.

http://www.vocalcom.com/en/customer-service-software/key-features/

All-in-one cloud contact center software solution that grows with you

Highly secure, scalable and easy-to-use cloud contact center software

Scale On Demand. Regain Control. Manage the customer experience as a single conversation, no matter what the source is - phone, web, email, text message, or social media. Vocalcom cloud contact center provides agents the tools and information they need to excel by offering an intuitive interface that links customer context from different channels and pushes dynamic guidance to agents -- providing more satisfaction, better engagement and a faster resolution for your customers. In addition, features like skills-based routing, prioritized calls, and data-driven routing allow you to provide your customers with a truly personalized experience. Best of all, Vocalcom Vitual Hold can eliminate hold time by giving to your customers the option to receive an agent callback when their position arrives to the front of the queue, smoothing out call spikes, and giving customers back what they value most – their time.

http://www.vocalcom.com/en/hosted-call-center-software-cloud-based-contact-center/#overview

Knowledge Management | Google Search for Work

Find what you need, fast : Significantly reduce training costs by giving agents the familiar, easy to use Google Search interface. Google Search for Work delivers the blazing fast, highly relevant results customers and employees are looking for. Quickly search your knowledge base for relevant answers. Or make it easy for customers to do it themselves. Either way, your customers get the answers they need, exactly the way they want to get them. Google Search Appliance combines the search expertise of Google with features that meet today's business requirements—all in one box. The Google Search Appliance reduces average call times by up to 20%, and can cut training costs by up to 25%.

http://www.vocalcom.com/en/customer-service-software/key-features/

14.   In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

15.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

16.   In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '268 Patent complied with all marking requirements under 35 U.S.C. § 287.

17.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1.   A judgment in favor of Plaintiff that Defendant has infringed the '268 Patent;

2.   A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '268 Patent as provided under 35 U.S.C. § 284;

3.   An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

4.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

5.   Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

SERENITIVA LLC

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/s/ Papool S. Chaudhari

Dated: August 11, 2017 By: _____

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