

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

**AKOLOUTHEO, LLC,**

**Plaintiff,**

**v.**

- 1) MITEL NETWORKS, INC.;**
- 2) MITEL TECHNOLOGIES, INC.;**
- 3) MITEL BUSINESS SYSTEMS, INC.;**
- 4) MITEL CLOUD SERVICES, INC.; and**
- 5) MITEL COMMUNICATIONS INC.,**

**Defendants.**

**CIVIL ACTION NO.: 4:19-cv-021**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement in which Akoloutheo, LLC (“Akoloutheo” or “Plaintiff”), makes the following allegations against: Mitel Networks, Inc.; Mitel Technologies, Inc.; Mitel Business Systems, Inc.; Mitel Cloud Services, Inc.; and Mitel Communications Inc. (collectively, “Mitel” or “Defendants”).

**PARTIES**

2. Akoloutheo is a Texas limited liability company, having its primary office at 15139 Woodbluff Dr., Frisco, Texas 75035. Plaintiff’s owner and sole operator is Rochelle T. Burns.

3. Defendants all share the same principal place of business at 1146 N. Alma School Rd., Mesa, AZ 85201. Defendants Mitel Networks, Inc. and Mitel Communications Inc. are Delaware corporations. Defendant Mitel Cloud Services, Inc. is a Texas corporation. Defendants Mitel Technologies, Inc. and Mitel Business Systems, Inc. are Arizona corporations. Mitel also maintains a regional office in the Eastern District of Texas – located at 5850 Granite Pkwy, Suite 600, Plano, TX 75024. All Defendants share the same Registered Agent for service of process in Texas, which is CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201.

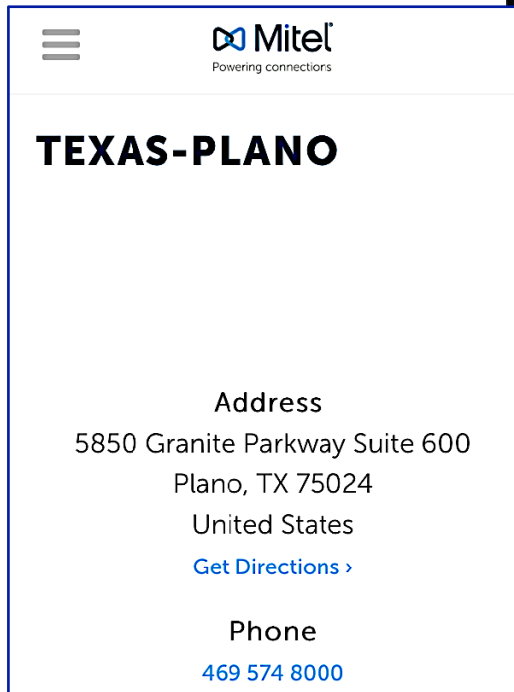
### JURISDICTION AND VENUE

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), generally, and under 1400(b), specifically. Defendant has a regular and established place of business in this Judicial District, and Defendant has also committed acts of patent infringement in this Judicial District.

6. 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.

7. Defendant has established offices in Plano, Texas – within the Eastern District of Texas.



The screenshot shows a mobile application interface for Mitel. At the top left is a hamburger menu icon. To its right is the Mitel logo with the tagline "Powering connections". Below this, the text "TEXAS-PLANO" is displayed in large, bold, black letters. Underneath, the word "Address" is followed by the address: "5850 Granite Parkway Suite 600", "Plano, TX 75024", and "United States". A blue link "Get Directions >" is provided. Below the address, the word "Phone" is followed by the number "469 574 8000".



8. Defendant has infringed, and does infringe, by transacting and conducting business within the Eastern District of Texas. Upon information and belief, operations at Defendant's Plano location include sales, marketing and/or business development for Defendant's infringing instrumentalities.

9. Defendant's office in Plano, Texas is a regular and established place of business in this Judicial District, and Defendant has committed acts of infringement (as described in detail, hereinafter) at the Defendant's regional office within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,426,730**

10. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 7,426,730 ("the '730 Patent") entitled "Method and System for Generalized and Adaptive Transaction Processing Between Uniform Information Services and Applications" – including all rights to recover for past, present and future acts of infringement. The '730 Patent issued on September 16, 2008, and has a priority date of April 19, 2001. A true and correct copy of the '730 Patent is attached as Exhibit A.

11. Defendant directly – or through intermediaries including distributors, partners, contractors, employees, divisions, branches, subsidiaries, or parents – made, had made, used, operated, imported, provided, supplied, distributed, offered for sale, sold, and/or provided access to software systems, cloud-based software, and/or software as a service (SaaS) for networked resources and network-based communications and collaboration including, but not limited to, Mitel's Teamwork, MiCollab, MiTeam, OfficeLink, MiCloud, MiContact, MiVoice and Phone Manager software systems ("Mitel Software").

12. Defendant directly – or through intermediaries including distributors, partners, contractors, employees, divisions, branches, subsidiaries, or parents – made, had made, used, operated, imported, provided, supplied, distributed, offered for sale, sold, and/or provided access to devices and systems for networked resources and network-based communications and collaboration including, but not limited to, Mitel's Sky, MiCloud, Clearspan, Collaboration Service, StreamLine, and MiVoice Appliances, Consoles, Controllers, Devices, Gateways, Routers and Switches ("Mitel Network Devices").

13. The Mitel Network Devices are components that are communicably coupled to, and provide access to, a plurality of networked data, communication, information and application resources – providing an operational front end for those network resources (“Network Resources”).

14. Together, Mitel Software and Mitel Network Devices communicatively and operationally couple to a variety of Network Resources – forming a cohesive Mitel network communication system (“Mitel System”).

15. These Mitel Systems are the infringing instrumentalities.

16. Mitel Systems provide a variety of user interfaces, giving end users access to Network Resources. End users enter transaction requests – defined or characterized by a number of context elements. Mitel Systems thereby generate, and then process, transaction requests for access to particular Network Resources. Mitel Systems generate and/or maintain a listing of resources on the network from which a transaction request may be satisfied or fulfilled. Mitel Systems process the transaction request, select one or more responsive resources, and deliver access to a responsive resource through a user interface.

17. Plaintiff herein restates and incorporates by reference paragraphs 11 – 16, above.

18. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present on or within Mitel Systems.

19. Mitel Systems infringe – at least – claims 1, 15, and 17 of the ‘730 Patent.

20. Mitel Systems literally and directly infringe – at least – claims 1, 15, and 17 of the ‘730 Patent.

21. Mitel Systems perform or comprise all required elements of – at least – claims 1, 15, and 17 of the ‘730 Patent.

22. In the alternative, Mitel Systems infringe – at least – claims 1, 15, and 17 of the ‘730 Patent under the doctrine of equivalents. Mitel Systems perform substantially the same functions in substantially the same manner with substantially the same structures, obtaining substantially the same results, as the required elements of – at least – claims 1, 15, and 17 of the ‘730 Patent. Any differences between the Mitel Systems and the claims of the ‘730 Patent are insubstantial.

23. Mitel Systems – by virtue of exclusivity of use of Mitel Software – require end users to operate Mitel Systems in a manner prescribed and controlled by Mitel. Mitel therefore exercises control and/or direction over the performance of every action performed on or by a Mitel System, including those that are initiated by an end user via the user interface.

24. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present within, or performed by, Mitel Systems or, in the alternative, performed by end users of Mitel Systems under the direction and control of Mitel – and are therefore attributable to Mitel.

25. In the alternative, therefore, Mitel Systems infringe – indirectly – claims 1, 15, and 17 of the ‘730 Patent, by virtue of Mitel’s exclusive control and direction of the infringing instrumentalities and/or operations.

26. Mitel Systems, when used and/or operated in their intended manner or as designed, infringe – at least – claims 1, 15, and 17 of the ‘730 Patent, and Mitel is therefore liable for infringement of the ‘730 Patent.

#### **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.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendants have infringed the ‘730 Patent;
- b. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the ‘730 Patent;
- c. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants’ infringement of the ‘730 Patent as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendants’ prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- e. 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

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

January 11, 2019

Respectfully Submitted,

By: /s/ Ronald W. Burns

Ronald W. Burns (*Lead Counsel*)

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**ATTORNEY FOR PLAINTIFF  
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