

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

**AKOLOUTHEO, LLC,**

**Plaintiff,**

**v.**

**SYMANTEC CORP.,**

**Defendant.**

**CIVIL ACTION NO.: 4:19-cv-347**

**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 Symantec Corp. (“Symantec” or “Defendant”).

**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. Symantec is a Delaware corporation with its principal place of business at 350 Ellis Street, Mountain View, CA 94043. Symantec also maintains a regional office in the Eastern District of Texas – located at 5700 Granite Pkwy, Suite 700, Plano, TX 75024. Defendant’s Registered Agent for service of process in Texas is Corporation Service Co., 211 E. 7<sup>th</sup> Street Suite 620, Austin, TX 78701.

**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.



## **SYMANTEC CORPORATION**

### **ADDRESS**

**5700 Granite Pkwy Suite 700  
Plano, TX 75024**

### **WEBSITE**

<https://www.symantec.com/>

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, business development, and/or product support for Defendant's infringing instrumentalities:

**Specialist Sales Engineer**  
Symantec · Plano, TX, US  
New · Posted 14 hours ago · 2 views

**Inside Sales Representative - Mid Market**  
Symantec · Plano, TX, US  
Posted 1 month ago · 5 views

Job	Company	Connections
<ul style="list-style-type: none"> <li>0 applicants</li> <li>Full-time</li> </ul>	<ul style="list-style-type: none"> <li>10,001 employees</li> <li>Computer Software</li> </ul>	1 alum

**Job description**  
Specialist Sales Engineer

**Responsibilities**

USA - Texas, Plano Responsibilities

- You will conduct customer calls with account representatives,

Job	Company	Connections
<ul style="list-style-type: none"> <li>0 applicants</li> <li>Full-time</li> </ul>	<ul style="list-style-type: none"> <li>10,001 employees</li> <li>Computer Software</li> </ul>	1 alum

**Job description**  
Inside Sales Representative – Mid Market

USA - Texas, Plano  
The Inside Sales Representative (ISR) is responsible for developing highly

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 office within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

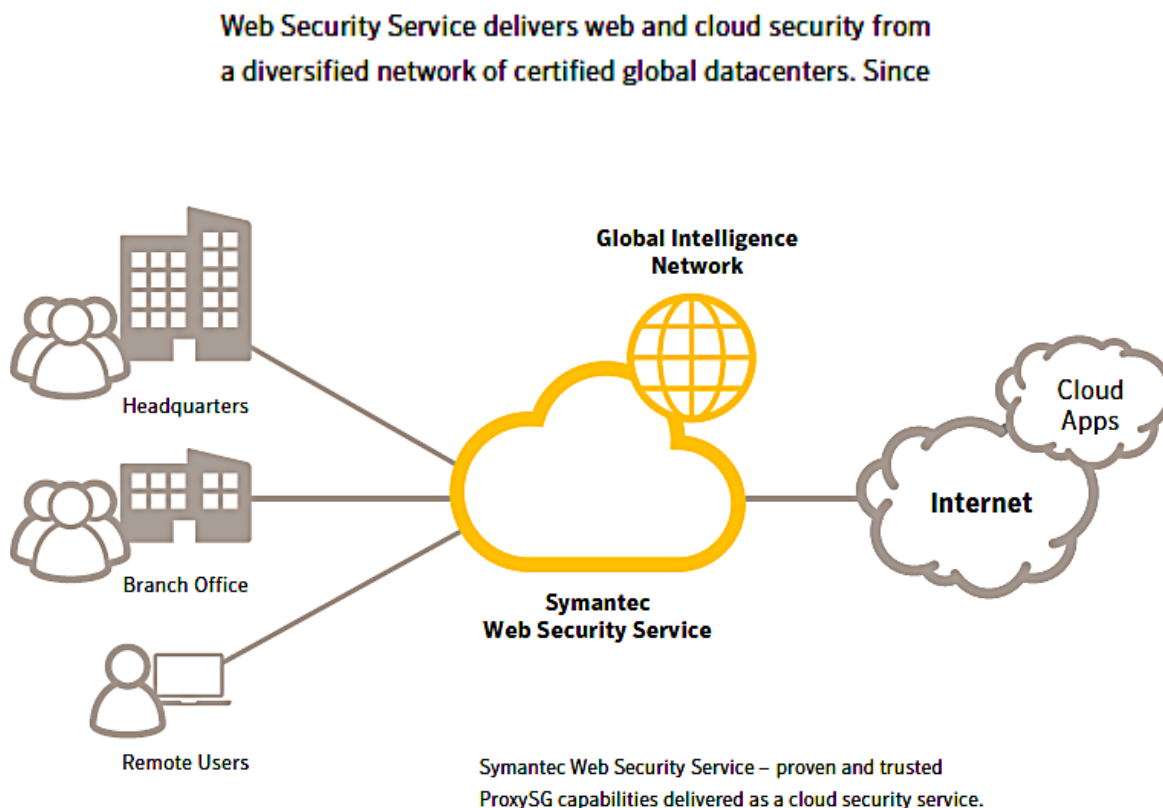
**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,426,730**

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) (collectively, “software”) for analysis, monitoring and management of networked resources and appliances –

including, but not limited to, Symantec’s Web Security Service and Secure Access Cloud software systems (“Symantec Systems”).

12. Symantec Systems operate upon a networked environment that may comprise any number of local and remote networked servers and systems, and accesses data resources across those networked servers and systems:

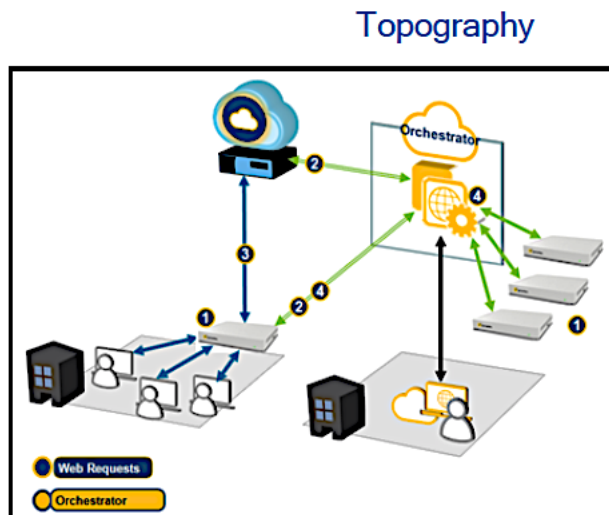


environment – the new reality for enterprise IT and Security teams. Symantec’s Web Security Service gives you the enterprise-class capabilities to address these realities and ensure your web and cloud use remains efficient, effective, secure and compliant.

Its proven proxy technology leverages the Symantec Global Intelligence Network, the world’s largest civilian threat intelligence network, to ensure real-time protection against known and unknown web-borne threats. With extensive web and cloud application controls, web isolation, malware scanning, data loss prevention, CASB services and detailed reporting features, the Web Security Service enables administrators to create and enforce granular policies that are instantly applied to all covered users, regardless where they are located, including fixed locations and roaming users.

13. End users of the Symantec Systems access network resources through Symantec’s Orchestrator Portal:

- Orchestrator Portal—A multi-tenant cloud-hosted portal that enables you to centrally manage one or more Edges. You can configure and manage the service and view data and statistics when available as part of the service.



14. As end users of the Symantec Systems initiate requests for network resources, those requests are processed by a Symantec Client Traffic Controller, communicatively coupled with the Symantec Orchestrator Portal:

**3—As employees perform internet content requests, the Edge passes the traffic to the Client Traffic Controller (CTC) in the nearest three geographical Symantec Web Security Service data centers (this**

15. Symantec Systems process the requests for network resources, utilizing contextual elements to select and process the request and potential responsive network resources:

**provides failover without any additional configuration). The Web Security Service performs authentication, security, DLP, and use policy validation (as configured) and the return delivery of acceptable content.**

16. Symantec Systems process the requests utilizing information stored in a registry of available network resources:



**URL Filtering and Categorization**

- Processes over 6 billion web requests and blocks millions of web attacks and social engineering scams daily
- Use dynamic, real-time URL risk ratings using real-time global threat intelligence
- Classify URLs into one or more of 72 content categories, 12 security categories (6 blocked by default policy) covering over 60 languages

17. Symantec Systems provide an end user with access to the resultant network resource after dynamically processing a request:

**provides failover without any additional configuration). The Web Security Service performs authentication, security, DLP, and use policy validation (as configured) and the return delivery of acceptable content.**

18. Symantec Systems thus initiate and process transaction requests for access to particular network resources with reference to a variety of contextual elements, select one or more responsive resources, and deliver access to a responsive resource.

19. Plaintiff herein restates and incorporates by reference paragraphs 11 – 18, above.

20. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present within Symantec Systems.

21. Symantec Systems comprise a networked computer system that provides a resultant resource according to a transaction request.

22. Symantec Systems comprise transaction processing module(s).

23. Symantec Systems comprise a plurality of networked resources communicatively coupled to provide specific data responsive to a transaction processed by a Symantec System.

24. Symantec Systems maintain registries of networked data resources and data characteristics for use in responding to transactions requests.

25. Symantec Systems process a transaction request utilizing contextual elements related to the request and/or the user entering the request.

26. Symantec Systems select one or more data resources, and perform one or more operations on those data resources to satisfy the transaction request.

27. Symantec Systems generate a resultant data resource responsive to the transaction request, and delivers that resultant data resource to the user.

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

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

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

31. In the alternative, Symantec Systems infringe – at least – claims 1, 15, and 17 of the ‘730 Patent under the doctrine of equivalents. Symantec 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 Symantec Systems and the claims of the ‘730 Patent are insubstantial.

32. Symantec Systems require end users to operate in a manner prescribed and controlled by Symantec. End users must process transaction requests through Symantec servers, operating according to predetermined operations and algorithms residing in Symantec Systems. Symantec therefore exercises control and/or direction over the performance of every action performed on or by a Symantec System, including those that are initiated by an end user.

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

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

35. Symantec 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 Symantec 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 Defendant has infringed the ‘730 Patent;

b. A permanent injunction enjoining Defendant and its 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 Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's 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 Defendant's 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.

May 10, 2019

Respectfully Submitted,

By: /s/ Ronald W. Burns

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**ATTORNEY FOR PLAINTIFF  
AKOLOURTHEO, LLC**