

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

AKOLOURTHEO, LLC,

Plaintiff,

v.

**CLOUDERA, INC. (d.b.a. CLOUDERA
TECHNOLOGY, INC.),**

Defendant.

CIVIL ACTION NO.: 4:20-cv-642

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 Cloudera Inc. (d.b.a. Cloudera Technology, Inc.) (“Cloudera” 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. Cloudera is a Delaware company operating in Texas, having a principal place of business at 5470 Great America Pkwy, Santa Clara, CA 95054. Cloudera also has offices within the Eastern District of Texas, at 7700 Windrose Ave, Suite 03-200, Plano, TX 75024 (as detailed, below). Defendant’s Registered Agent for service of process in Texas is Corporation Service Co., 211 E. 7th St., 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 an established place of business – specifically, Defendant's offices in Plano, Texas – located within the Eastern District of Texas:

Cloudera Locations

North America

Headquarters - Santa Clara
 5470 Great America Pkwy
 Santa Clara, CA 95054
 US: 1-888-789-1488
 International: 1-650-362-0488
 Fax: 1-888-789-1488
[Map](#)

Atlanta, Georgia
 3340 Peachtree Road, N.E. Suite 2330
 Atlanta, GA 30326
[Map](#)

Austin, Texas
 515 Congress, Suite 1300
 Austin, TX 78701
[Map](#)

Bellevue, Washington
 10400 NE 4th St, Suite 07-109
 Bellevue, WA 98004
[Map](#)

Boston, Massachusetts
 33 Arch Street, 17th Floor
 Boston, MA 02110
[Map](#)

New York, New York
 101 5th Ave, 8th floor
 New York, NY 10003
[Map](#)

Chicago, Illinois
 300 S. Wacker Dr, 17th Floor, Suite 1720
 Chicago, IL 60606
[Map](#)

Mexico City, Mexico
 Paseo de la Reforma 296
 Paseo de la Reforma 296, Suite 36-104
 Mexico City, 06600
 Mexico
[Map](#)

Nashua, New Hampshire
 1 Tara Blvd, Suite 200
 Nashua, NH 03062
[Map](#)

San Francisco, California
 525 Market St, 31st Floor
 San Francisco, CA 94105
[Map](#)

Plano, Texas
 7700 Windrose Ave, Suite 03-200
 Plano, TX 75024
[Map](#)

Plano, Texas
 7700 Windrose Ave, Suite 03-200
 Plano, TX 75024
[Map](#)

8. Defendant has infringed, and does infringe, by transacting and conducting business within the Eastern District of Texas.

9. Defendant's offices in Plano, Texas are a regular and established place of business in this Judicial District, and Defendant has committed acts of infringement (as described in detail, hereinafter) 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 – 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, software as a service (SaaS), and/or platform as a service (PaaS) (collectively, "Software") for accessing, organizing, storing, and managing data across multiple networked resources.

12. Defendant's infringing instrumentalities include – but are not limited to – the Defendant's Cloudera Edge Management (CEM) and Edge Flow Manager (EFM) systems. All infringing instrumentalities are collectively referred to hereinafter as the "Cloudera Systems."

13. Cloudera Systems are server-based, operatively couple to a plurality of networked systems and devices ("networked resources"), and access, retrieve, store, and transmit data from and across those networked resources.

14. Cloudera Systems collect and process information from the networked resources, such as status and current metrics.

15. Cloudera Systems monitor the information retrieved from the networked resources.

16. Cloudera Systems present information retrieved from the networked resources to users via a user interface.

17. Cloudera Systems respond to information retrieved from the networked resources with commands and/or queries.

18. Cloudera Systems can modify or initiate information retrieval from the networked resources via commands and/or queries developed or deployed by a user.

19. Cloudera Systems utilize a registry of networked resources in operation.

20. Cloudera Systems provide a user with configurable operations for processing information retrieval from the networked resources.

21. Cloudera Systems include a plurality of parameters and actions for processing information retrieval from the networked resources via the configurable operations. The parameters are created and configured within the user interface.

22. Plaintiff herein restates and incorporates by reference paragraphs 11 – 21, above.

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

24. Cloudera Systems comprise a networked computer system that provides a resultant resource responsive to a transaction request.

25. Cloudera Systems comprise transaction processing constructs.

26. Cloudera Systems comprise a plurality of networked resources communicatively coupled to provide specific resources responsive to a transaction processed by Cloudera Systems.

27. Cloudera Systems maintain a registry of networked resources and resource characteristics for use in responding to transactions requests.

28. Cloudera Systems process a transaction request utilizing contextual elements related to the request.

29. Cloudera Systems select one or more data resources, and performs one or more operations on those data resources to satisfy the transaction request.

30. Cloudera Systems generate a resultant resource responsive to the transaction request, and deliver that resultant resource to the user, via a user interface.

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

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

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

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

35. All recited elements of – at least – claims 1, 15, and 17 of the ‘730 Patent are present within, or performed by, Cloudera Systems and are therefore attributable to Defendant.

36. Cloudera 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 Defendant 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.

August 25, 2020

Respectfully Submitted,

By: /s/ Ronald W. Burns

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Frisco, Texas 75035
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**ATTORNEY FOR PLAINTIFF
AKOLOURTHEO, LLC**