

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

**AKOLOURTHEO, LLC,**

**Plaintiff,**

**v.**

**ALE USA INC. (d.b.a. ALCATEL-LUCENT  
ENTERPRISE USA INC.),**

**Defendant.**

**CIVIL ACTION NO.: 4:20-cv-850**

**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 ALE USA Inc. (d.b.a. Alcatel-Lucent Enterprise USA Inc.) (“Alcatel” 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. Alcatel is a Delaware company operating in Texas, having a principal place of business at 26801 Agoura Rd., Calabasas, CA 91301. Alcatel also has offices within the Eastern District of Texas (as detailed, below). Defendant’s Registered Agent for service of process in Texas is Corporation Service Co., 211 E. 7<sup>th</sup> 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 at 601 Data Dr, Plano, Texas – located within the Eastern District of Texas. In addition, Defendant owns/operates numerous business properties within the Eastern District of Texas:



#### Search Results

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Choose your account number below.

Acct #	Apd Num	Owner	Location	
<a href="#">P900020769761</a>	2626666	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0000106 W BETHANY DR	BPP AT
<a href="#">P900020808641</a>	2642294	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0001809 10TH ST	BPP AT 1809 10TH ST JUR# CPL GCN, JCN, SPL, CAD
<a href="#">P900020769751</a>	2626678	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0003605 PLANO PKWY E	BPP AT 3605 PLANO PKWY E JUR# CPL, GCN, JCN, SPL, CAD
<a href="#">P900020840181</a>	2642630	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0000601 DATA DR	BPP AT 601 DATA DR JUR# CPL, GCN, JCN, SPL, CAD
<a href="#">P900020873201</a>	2642907	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0000555 REPUBLIC DR	BPP AT 555 REPUBLIC DR JUR# C PL, GCN, JCN, SPL, CAD
<a href="#">P900020873211</a>	2642908	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0003400 PLANO PKWY W	BPP AT 3400 PLANO PKWY W JUR# CPL, GCN, JCN, SPL, CAD
<a href="#">P900022931571</a>	2077743	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0000600 DATA DR	BPP AT 600 DATA DR
<a href="#">P900022931601</a>	2077746	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0001807 COUNTY ROAD 376	BPP AT 1807 COUNTY RD 376
<a href="#">P900021013121</a>	2662517	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0001809 10TH ST	BPP AT 1809 10TH ST
<a href="#">P900021219581</a>	2679705	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0000601 SHILOH RD	BPP AT 601 SHILOH RD
<a href="#">P900021219571</a>	2679704	ALCATEL-LUCENT USA INC 601 DATA DR PLANO TX 75075-7839	0008901 WINDCREST DR	BPP AT 6901 WINDCREST DR
<a href="#">P900021219561</a>	2679703	ALCATEL-LUCENT USA INC 3400 W PLANO PKWY PLANO TX 75075-8011	0005400 LEGACY DR	BPP AT 5400 LEGACY DR
<a href="#">P900021431001</a>	2702752	ALCATEL-LUCENT USA INC 601 DATA DR PLANO TX 75075-7839	0000909 N KENTUCKY ST	BPP AT 909 N KENTUCKY ST

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 – and 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 Rainbow CPaaS (Communications Platform as a Service) systems, including the Rainbow Hub. All infringing instrumentalities are collectively referred to hereinafter as the "Alcatel Systems."

13. Alcatel Systems are cloud technology – and thereby server-based – operatively coupled to a plurality of networked systems and devices ("networked resources").

14. Alcatel Systems connect to networked resources including, but not limited to, objects, processes, and applications to provide a user with relevant information.

15. Alcatel Systems access, retrieve, store, and transmit data (*e.g.*, documents, images, media) from and across networked resources.

16. Alcatel Systems collect and distribute data from networked resources.

17. Alcatel Systems present data retrieved from the networked resources to users via a user interface.

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

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

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

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

22. Alcatel Systems comprise a networked computer system that provides a resultant resource responsive to a transaction request.

23. Alcatel Systems comprise transaction processing constructs.

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

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

26. Alcatel Systems process a transaction request utilizing contextual elements related to the request.

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

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

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

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

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

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

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

34. Alcatel 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.

October 28, 2020

Respectfully Submitted,

By: /s/ Ronald W. Burns

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