

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AKOLOUTHEO, LLC,

Plaintiff,

v.

CITRIX SYSTEMS, INC.,

Defendant.

CIVIL ACTION NO.: 3:18-cv-2702

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 Citrix Systems, Inc. (“Citrix” 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. Defendant is a Delaware corporation having a principal place of business at 851 West Cypress Creek Road, Fort Lauderdale, FL 33309. Citrix also maintains a sales office in the Northern District of Texas – located at 5001 LBJ Freeway, Suite 1015, Dallas, TX 75224. Defendant’s Registered Agent for service of process in Texas, which is Corporation Service Company, 211 E. 7th 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).

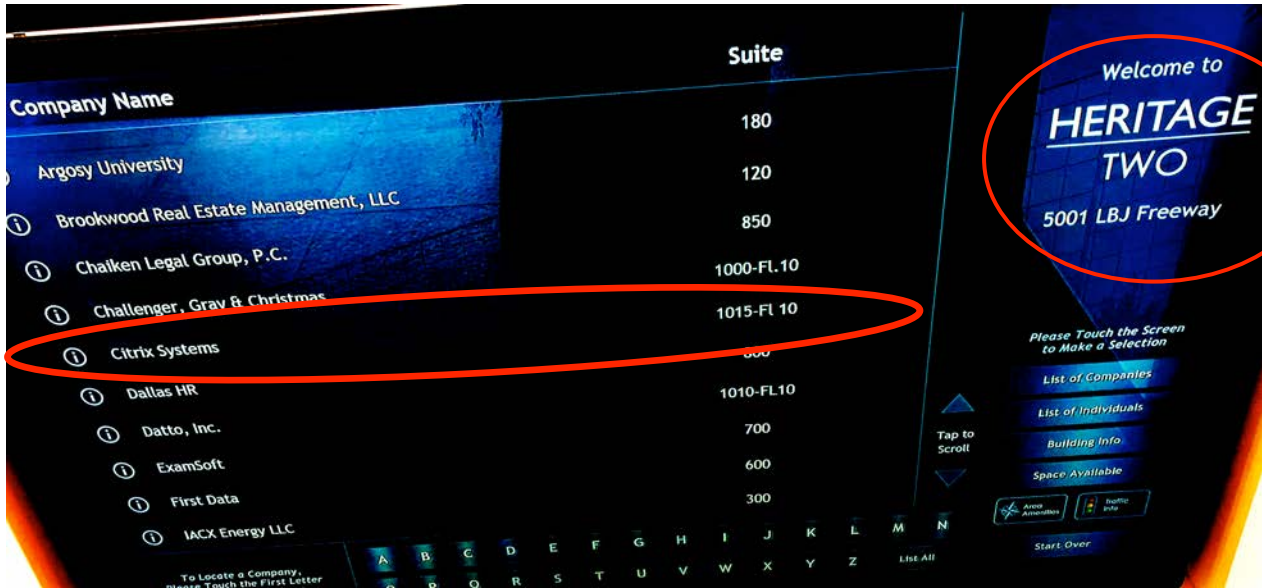
5. Venue is proper in this district under 28 U.S.C. §§ 1391(c), generally, and under 1400(b), specifically. Defendant has a regular and established place of business in this Judicial District, and Defendant has also committed acts of patent infringement in this Judicial District.

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.

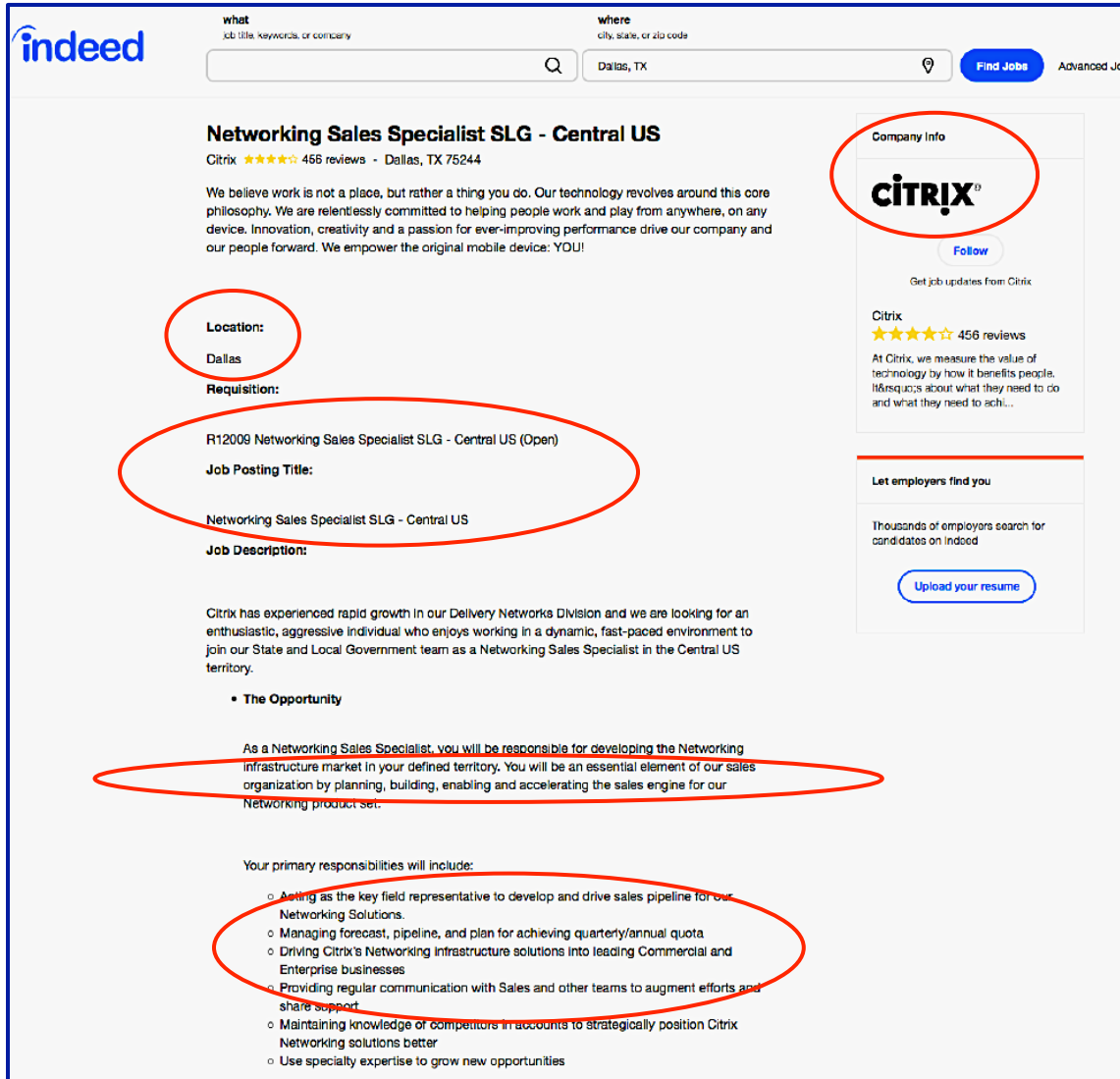
7. Defendant has established offices in the Heritage Two Building at 5001 LBJ Freeway in Dallas, Texas – within the Northern District of Texas.



Citrix's offices are located in Suite 1015 of the Heritage Two Building:



8. Defendant has infringed, and does infringe, by transacting and conducting business within the Northern District of Texas. Operations at Defendant's Dallas location include sales, marketing and/or business development for Defendant's infringing instrumentalities:



9. Defendant's office in Dallas, 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 Citrix 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 network monitoring, interrogation, and management including, but not limited to, Citrix’s: ADC (formerly NetScaler ADC), Application Delivery Management (formerly NetScaler Management), (NetScaler Unified) Gateway, Access Gateway, Networking VPX, Networking CPX, Workspace App; App Layering; Virtual Apps Standard; Virtual Apps Advanced; Virtual Apps Premium; Virtual Desktops Standard; Virtual Apps & Desktops Advanced; Virtual Apps & Desktops Premium; and Citrix Analytics software systems (“Citrix 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 network resource components – devices and systems for network monitoring, interrogation, and management – including, but not limited to, Citrix’s: Networking MPX 59xx, MPX 89xx, MPX 55xx, MPX 56xx, MPX 80xx, MPX 14xxx, MPX 15xxx, MPX 24xxx, MPX 25xxx, MPX 26xxx, MPX 220xx, MPX 221xx, Networking SDX 89xx, SDX 80xx, SDX 14xxx, SDX 15xxx, SDX 24xxx, SDX 25xxx, SDX 26xxx, SDX 220xx, and SDX 221xx devices (“Citrix Network Devices”).

13. The Citrix Network Devices are physical systems that are communicably coupled to, and manage and provide access to, a plurality of network information and application

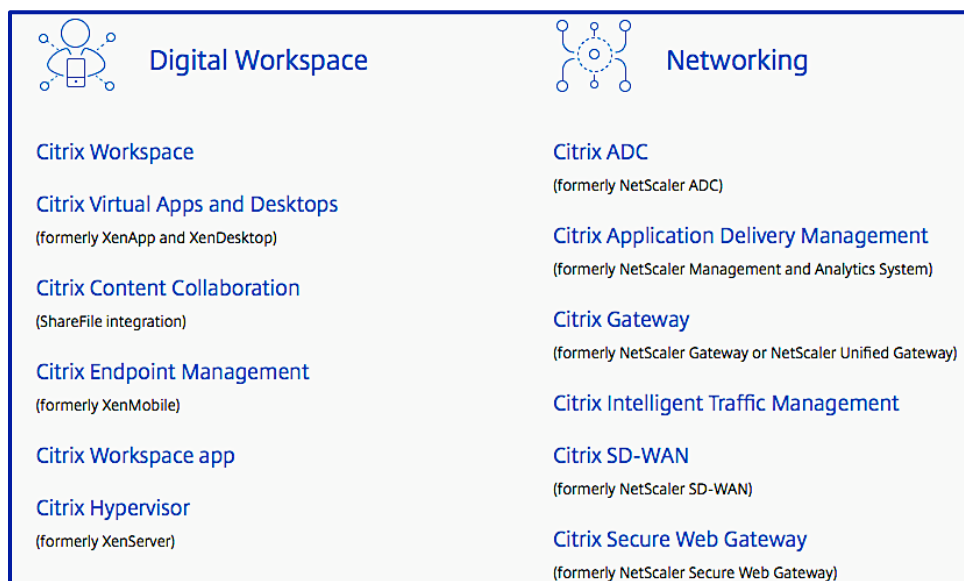
resources – providing an operational front end for those network resources (“Network Resources”):

Greg Wilson is a Project Manager and IT Systems Architect leading the Security and Network team within the UTO Operations. He has provided valuable information regarding how ASU uses Citrix NetScalers for web application delivery, load balancing, security and more. ASU is currently using more than ten Citrix NetScalers including both NetScaler MPX 7500 and NetScaler 7000 physical appliances. The university has chosen Platinum Edition NetScalers for enhanced features such as Citrix Application Firewall. The NetScalers are fronting hundreds of servers and services for ASU.

In similar fashion, Citrix Software manages and provides access to a plurality of network information and application resources, also providing an operational front end for those Network Resources:

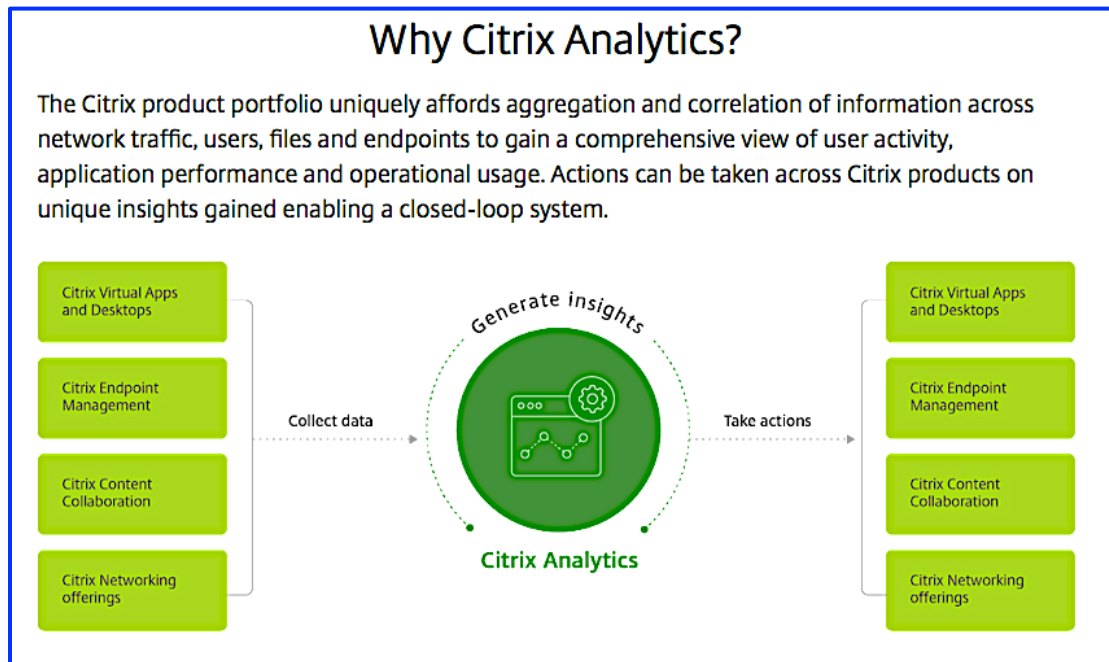
prevention. Only Citrix Workspace offers a user-centric experience where everything you need to work is in one unified app, with conditional access and performance made simple based on user context and IT-designed policies. Citrix Workspace fully aggregates all apps and data across all applications—both on-premises and cloud—to deliver the right experience to

14. Together, Citrix Software and Citrix Network Devices form unified systems (“Citrix Systems”), having operations and requirements that are exclusive to Citrix, which manage and provide access to a variety of Network Resources. Citrix categorizes the Citrix Systems using nomenclature including “Digital Workspace” and “Networking”:



Citrix Systems are therefore hereafter referred to as “Citrix Workspace Systems”, “Citrix Networking Systems”, or collectively as Citrix Systems.

15. Citrix Systems further comprise Citrix Analytics – one of the Citrix Software offerings – that aggregates and correlates information across network traffic, users, files and endpoints to monitor user activity, application performance and operational usage across a Citrix System. Actions may be taken across a Citrix Systems as a result.



Citrix Analytics is interoperable with Citrix Workspace Systems and Citrix Networking Systems. Data sources are Citrix services and products that send data to Citrix Analytics – including Citrix ADC instances added to Citrix Application Delivery Management (ADM) and on-premises Citrix Virtual Apps and Desktops added to Citrix Workspace. Those data sources may be updated or modified via the same interconnections.

16. Citrix Analytics accesses data from Citrix Access Control, Citrix ADC, Citrix Endpoint Management, and Citrix Virtual Apps and Desktops – and stores or logs such data for up to 13 months.

17. To use Citrix Analytics, users are required to have a “Citrix Cloud” account, and to sign in through a web-based portal (<https://citrix.cloud.com>).

Sign in to Citrix Cloud

To use Citrix Analytics, you must have a Citrix Cloud account. Go to <https://citrix.cloud.com> and sign in with your existing Citrix Cloud account.

18. Citrix Network Resources are discovered by Citrix Analytics – including Citrix ADC instances added to Citrix ADM, and Citrix Virtual Apps and Desktops added to Citrix Workspace. Other Network Resources such as Citrix Gateway and Citrix Virtual Apps and Desktops may be connected to Citrix Analytics.

19. Citrix Analytics provides a list view of connected Network Resources:

On the **Enable Analytics** page, by default, all the licensed virtual servers from the Gateway Instances appear. Review the list of licensed virtual servers and click **Enable Analytics** to enable analytics on the virtual servers.

Enable Communication Between Citrix Gateway and Citrix Analytics

Set up agent on a hypervisor Add Citrix Gateway instances Enable Analytics

After you enable Citrix Analytics, it will start processing data from your data sources. Learn more about [data retention policy](#).

List of licensed virtual servers. Click Enable Analytics to start transmitting data between Citrix Gateway and Citrix Analytics.

CITRIX GATEWAY INSTANCI	CITRIX GATEWAY HOST	VIRTUAL SERVER IP ADDI	VIRTUAL SERVER NAME	VIRTUAL SERVER TYPE	VIRTUAL SERVER STATE
10.62.136.97	CAS-CG-Demo	!136.92	vpn2	SSL	●
10.62.136.97	CAS-CG-Demo	!136.98	vpn1	SSL	●

20. Citrix Analytics provides a web-based visual dashboard user interface to manage and interrogate data, and request data-driven operations, and present findings:

Settings Help Alerts 1885

View list of all rules and their statuses

Rules

Data Sources

View all linked data sources

Last 1 Hour ▾

Discovered Users

Click any column heading to filter data

Showing all 305 discovered users

USER	DEVICES	LOCATIONS	DATA USAGE	APPS USED	ACCESSES
[redacted]	7	N/A	0 MB	0	0
[redacted]	0	4	1136.13 MB	7	29
[redacted]	6	N/A	0 MB	8	0
[redacted]	0	N/A	0 MB	4	0
[redacted]	0	N/A	0 MB	0	0
[redacted]	0	7	0 MB	0	159
[redacted]	0	6	540.47 MB	0	30
[redacted]	0	1	0 MB	0	335
[redacted]	0	N/A	0 MB	4	0
[redacted]	0	33	3821.97 MB	0	512
demouser1	21	N/A	0 MB	9	0
demouser1@wwice.net	0	29	3349.2 MB	0	2202

Showing 76 - 90 of 305 items Page 6 of 21 Show 50 100

Select the time period to view user data

Click a user name to view the risk timeline for that user

Navigate page and customize page display

User Info Actions Last 1 Month

User Information

Devices (8)

Google_sdk	15
iPhoneNexus 6	15
Android - Nexus 5X	10
MacBook Air 13.3 ...	10
MacBook Air 13.3	5
SAMSUNG-SM-...	5
SAMSUNG-SM-...	5
MacBook Air 13.3 ...	1

21. Citrix Analytics provides a user – via the user interface – the operational capacity to pre-define certain operations based upon data monitoring across a Citrix System:

You can either add a user to the watchlist manually, or you can define rules that when triggered adds a user to the watchlist. If there are no users added to the watchlist, you will see the following screen

You can create rules on Citrix Analytics to help you perform actions on user accounts when unusual or suspicious activities occur. Rules let you automate the process of applying actions such as disable a user, add users to a watchlist, and so on.

22. To use Citrix Analytics, users are required to have a “Citrix Cloud” account, and to sign in through a web-based portal (<https://citrix.cloud.com>).

23. Citrix Network Resources are discovered by Citrix Analytics – including Citrix ADC instances added to Citrix ADM, and Citrix Virtual Apps and Desktops added to Citrix.

Citrix Analytics integrates with the following Citrix products and aggregates metrics on users, applications, endpoints, networks, and data to provide comprehensive insights into user behavior. The products currently supported are:

- Citrix Access Control
- Citrix Content Collaboration
- Citrix Endpoint Management
- Citrix Gateway
- Citrix Virtual Apps and Desktops

Data sources are Citrix services and products that send data to Citrix Analytics. The data sources associated with your Citrix Cloud account are automatically discovered by Citrix Analytics. This includes Citrix ADC instances added to Citrix Application Delivery Management (ADM) and on-premises Citrix Virtual Apps and Desktops added to Citrix Workspace.

24. Plaintiff herein restates and incorporates by reference paragraphs 11-23, above.

25. Citrix Software performs centralized monitoring, interrogation and configuration functions for Citrix Network Resources across a network, to which the Citrix Software is operationally and communicatively linked.

26. Citrix Software generates a user interface – which may be console or web browser based – through which authorized users login to monitor/manipulate various Citrix Network Resources.

27. Citrix Software generates and/or maintains a listing of all devices and resources on the network; and organizes and displays this listing via its user interface.

28. Citrix Software thus generates a registry of Citrix Network Resources and information about each of the Citrix Network Resources.

29. Citrix Software, through a user interface, accepts a transaction requested by a user – such as a request or command applicable to one or more Citrix Network Resource(s).

30. Citrix Software determines which Citrix Network Resources may be responsive to the requested transaction, and dynamically generates a corresponding communication or signal to one or more Citrix Network Resources responsive to that requested transaction.

31. Citrix Software selects which Citrix Network Resources are responsive to the requested transaction, and performs the transaction on or with that Citrix Network Resource. Citrix Software, through its user interface, accepts user requests or requirements for network data, generates corresponding communications or signals with one or more related Citrix Network Resources, and retrieves requested network data from the Citrix Network Resources – displaying the requested data for a user via the user interface.

32. Citrix Software processes a variety of context specific data as it processes the user request.

33. Citrix Software creates connections to multiple Citrix Network Resources, displays all Citrix Network Resources, and controls all Citrix Network Resources from a single user interface.

34. Citrix Software manages monitoring infrastructure remotely from a single user interface.

35. Citrix Software is installed on a server networked with a number of Citrix Network Resources – generating its user interface on a user terminal operably associated with that networked server, and performing at least the functions and operations described in paragraphs 13 – 23, above.

36. Plaintiff herein restates and incorporates by reference paragraphs 13-35, above.

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

38. As generally described in the paragraphs above, a Citrix System comprises Citrix Software installed on a networked computer system having a plurality of computer servers, and a plurality of Citrix Network Resources communicatively and operationally coupled to the Citrix Software.

39. As generally described in the paragraphs above, Citrix Software provides information, monitoring or control of one or more Citrix Network Resources according to a transaction request entered into the Citrix System through the Citrix Software user interface.

40. As generally described in the paragraphs above, Citrix Software processes resource transactions entered through the Citrix Software user interface.

41. As generally described in the paragraphs above, a Citrix System comprises a plurality of Citrix Network Resources, remotely located with respect to the computer system upon which the Citrix Software, and communicatively coupled to the Citrix Software via a computer network.

42. As generally described in the paragraphs above, each Citrix Network Resource provides one or more resources available for use by the Citrix Software.

43. A Citrix System comprises a resource information registry for storing information about the Citrix Network Resources. The information registry in a Citrix System stores resource information available for each of the Citrix Network Resources.

44. Citrix Software, through its user interface, accepts user requests or commands that define a requested transaction with a Citrix Network Resource; and dynamically generates a corresponding communication or signal to one or more Citrix Network Resources responsive to that requested transaction.

45. Citrix Software generates contextual elements for the requested transaction that provide additional information for dynamically selecting and processing data from at least one Citrix Network Resource.

46. Citrix Software dynamically selects at least one Citrix Network Resource to process in conjunction with the requested transaction according to information stored in the resource information registry.

47. Citrix Software determines one or more operations to perform on the Citrix Network Resource to obtain a result satisfying the requested transaction – such as retrieving status or operational statistics.

48. Citrix Software obtains the result from the selected Citrix Network Resource and processes that result to generate a desired output to the Citrix Software user interface.

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

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

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

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

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

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

55. Citrix 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 Citrix 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 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 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 11, 2018

Respectfully Submitted,

By: /s/ Ronald W. Burns

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