

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

HOWLINK GLOBAL LLC,

Plaintiff,

v.

GLOBAL TEL*LINK CORP.,

Defendant.

Civil Action No.: 4:13-cv-561

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Howlink Global LLC (“Howlink”) hereby alleges patent infringement against Defendant Global Tel*Link Corporation (“Defendant” or “Defendant GTL”) on personal knowledge and information and belief, as follows:

THE PARTIES

1. Howlink is a Texas limited liability company with a principal location at 101 E. Park Blvd, Suite 600, Plano, Texas 75074.
2. On information and belief, Defendant GTL is a Delaware corporation with a principal place of business at 12021 Sunset Hills Road, Suite 100, Reston, Virginia 20190.

JURISDICTION AND VENUE

3. 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).
4. Personal jurisdiction and venue are proper in this district under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has a regular and established place of business in this district, has transacted business in this district, and/or has committed, contributed

to, and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction consistent with the principles of due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum directly related to the allegations set forth herein, including: (i) a portion of the infringement alleged herein, including making, using, selling, offering to sell, and/or importing products, methods and/or systems that infringe one or more claims of the patent-in-suit; (ii) the presence of established distribution and/or marketing channels; and (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals and entities in Texas and this judicial district.

COUNT I
INFRINGEMENT OF UNITED STATES PATENT NO. 8,477,766

6. Howlink is the exclusive owner of all rights to duly issued United States Patent No. 8,477,766 entitled "Method for Collect Call Service Based on VoIP Technology and System Thereof" ("766 Patent"), including but not limited to the right to sue for damages. The United States Patent and Trademark Office issued the '766 Patent on July 2, 2013. A true and correct copy of the '766 Patent is attached to this Complaint as Exhibit A.

7. On information and belief, Defendant GTL has been and is directly infringing, inducing others to infringe, and/or contributorily infringing, literally, under the doctrine of equivalents, and/or jointly, one or more claims of the '766 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering to sell, and/or importing systems and methods that implement, utilize or otherwise embody the patented invention, including by way of example certain VoIP-based telecommunication products and services, such as its Inmate Telephone System (ITS), FOCUS Inmate Telephone System, Inmate Calling Manager (ICMv), LazerPhone and Lazernet Platform, OffenderConnect, and AdvancePay, which are described or have been described at least in part online at <http://www.gtl.net>. Therefore, Defendant GTL is liable for infringement of the '766

Patent.

8. Defendant GTL has been and is inducing and/or contributing to the direct infringement of the '766 Patent by at least, but not limited to, customers and end-users, such as correctional facilities and inmates at those correctional facilities, who directly implement or use the accused systems, products and services, which have no substantial non-infringing uses, by at least the following affirmative acts: (1) advertising in public and marketing the features, benefits and availability of the accused systems, products, and services; (2) promoting the adoption and installation of the accused systems, products and services through bids; and (3) providing instructions on how to use the accused systems, products and services.

9. On information and belief, Defendant GTL has had actual or constructive knowledge of the '766 Patent since at least the issuance date of July 2, 2013 due to at least Defendant GTL's previous settlement discussions with Howlink.

10. On February 15, 2011, Howlink filed a patent infringement lawsuit against various defendants, including Value-Added Communications, Inc. ("VACI") and Conversant Technologies, Inc. ("CTI") among others, in *Howlink Global LLC v. Centris Information Services LLC, et al.*, No. 4:12-cv-00071, in this Court, asserting related U.S. Patent No. 7,876,744 ("744 Patent").

11. Defendant GTL acquired VACI on August 1, 2011 and CTI on October 12, 2011, as publicly disclosed on Defendant GTL's web-site at <http://www.gtl.net>. On information and belief, Defendant GTL conducted a reasonable level of background due diligence before its acquisitions, which included investigation into the '744 Patent and the then pending continuation application that resulted in the issuance of the '766 Patent. Therefore, Defendant GTL had knowledge of the '744 Patent and/or the then pending continuation application for the '766 Patent as early as this period.

12. On March 12, 2012, Howlink and GTL met in Chicago, Illinois to conduct settlement negotiations with respect to the pending patent infringement lawsuit, during or attendant to which GTL learned of the pending continuation application for the '766 patent.

13. On April 18, 2012, Howlink filed a patent infringement lawsuit against GTL, VACI, CTI and other subsidiaries of Defendant GTL in *Howlink Global LLC v. Global Tel*Link Corp.*, No. 4:12-cv-00230, in this Court, asserting the ‘744 Patent. On information and belief, Defendant GTL conducted a reasonable level of background due diligence on the ‘744 Patent and the then pending continuation application for the ‘766 Patent.

14. Therefore, on information and belief, Defendant GTL was apprised of the issuance of the ‘766 Patent on July 2, 2013 through its monitoring of the progress of the then pending continuation application for the ‘766 Patent.

15. On information and belief, Defendant GTL failed to take adequate steps to determine whether or not it would be directly and/or indirectly infringing the ‘766 Patent, despite having been on notice of the ‘766 Patent, and therefore acted and continues to act willfully in its infringement and with the specific intent to induce and/or contribute to the infringement of others.

16. Howlink has been and is irreparably harmed by Defendant GTL’s infringement of the ‘766 Patent. Howlink has incurred and will continue to incur substantial damages, including monetary damages, unless Defendant is enjoined from further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Howlink respectfully requests that this Court:

(a) enter judgment in favor of Howlink that Defendant has infringed, and continues to infringe, a valid and enforceable ‘766 Patent;

(b) enjoin Defendant, its officers, subsidiaries, agents, servants, employees, and all persons in active concert with any of them, from any further infringement of the ‘766 Patent;

(c) award Howlink all monetary relief available under the patent laws of the United States, including but not limited to actual damages, reasonable royalties, pre- and post- judgment interest, enhanced damages, and costs pursuant to 35 U.S.C. § 284;

(d) declare this case exceptional and award Howlink its reasonable attorneys’ fees

pursuant to 35 U.S.C. § 285; and

(e) grant Howlink such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Howlink demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Date: September 24, 2013

Respectfully submitted,

/s/ Elizabeth L. DeRieux

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