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Counsel for Plaintiff
18 ALTO VENTURES, INC.

19
20 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA,**

21	ALTO VENTURES, INC.	)	CIVIL ACTION NO. _____
22		)	
23	Plaintiff,	)	
24	v.	)	JURY TRIAL DEMANDED
25		)	
26	CONVERGYS CORP.,	)	
27	FIVE9, INC.,	)	
28	TELETECH HOLDINGS, INC.,	)	
	TRANSERA COMMUNICATIONS, INC.,	)	
	WEST CORP., AND	)	
	WORKING SOLUTIONS, INC.	)	
	Defendants.		

Exhibit

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exhibiticker.com

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ORIGINAL COMPLAINT

This is an action for patent infringement in which Alto Ventures, Inc. ("Alto Ventures"), makes the following allegations against Convergys Corporation, Five9, Inc., TeleTech Holdings, Inc., Transera Communications, Inc., West Corporation, and Working Solutions, Inc. (collectively the "Defendants" and/or "each Defendant").

PARTIES

1. Alto Ventures is a corporation organized under the laws of the State of Nevada. Alto Ventures maintains its principal place of business at: 2505 Anthem Village, Suite E587, Henderson, NV 89052.

2. Upon information and belief, Defendant Convergys Corporation ("Convergys") is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Ohio with principal places of business at 201 East Fourth Street, Cincinnati, OH 45202. Upon information and belief, Defendant Convergys sells and/or uses or puts into use call control systems and/or practices or directs and controls the practice of methods for controlling routing of telephone calls to and for consumers in the United States and, more particularly, in the District of Nevada. Convergys may be served with process by serving its registered agent, C T Corporation System, 1300 East 9th St., Cleveland, OH 44114.

3. Upon information and belief, Defendant Five 9, Inc. ("Five9") is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware with principal places of business at 7901 Stoneridge Drive, Suite 200, Pleasanton, CA 94588. Upon information and belief, Defendant Five9 sells and/or uses or puts into use call control systems and/or practices or directs and controls the practice of methods for controlling routing of telephone calls to and for consumers in the United States and, more particularly, in the District of Nevada. Five9 may be served with process by serving its registered agent, Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, DE 19901.

4. Upon information and belief, Defendant TeleTech Holdings, Inc. ("TeleTech") is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the

1 State of Colorado with principal places of business at 9197 South Peoria Street, Englewood,
2 Colorado 80112. Upon information and belief, Defendant Teletech sells and/or uses or puts into
3 use call control systems and/or practices or directs and controls the practice of methods for
4 controlling routing of telephone calls to and for consumers in the United States and, more
5 particularly, in the District of Nevada. TeleTech may be served with process by serving its
6 registered agent, The Corporation Company, 1675 Broadway Ste 1200, Denver, CO 80202.

7 5. Upon information and belief, Defendant Transera Communications, Inc. ("Transera") is,
8 and at all relevant times mentioned herein was, a corporation organized and existing under the laws
9 of the State of Delaware with principal places of business at 1195 W. Fremont Avenue, Suite 101,
10 Sunnyvale, CA. 94087. Upon information and belief, Defendant Transera sells and/or uses or puts
11 into use call control systems and/or practices or directs and controls the practice of methods for
12 controlling routing of telephone calls to and for consumers in the United States and, more
13 particularly, in the District of Nevada. Transera may be served with process by serving its
14 registered agent, Incorporating Services, Ltd., 3500 South Dupont Highway, Dover, DE 19901.

15 6. Upon information and belief, Defendant West Corporation ("West Corp.") is, and at all
16 relevant times mentioned herein was, a corporation organized and existing under the laws of the
17 State of Delaware with principal places of business at 11808 Miracle Hills Dr., Omaha, NE 68154.
18 Upon information and belief, Defendant West Corp. sells and/or uses or puts into use call control
19 systems and/or practices or directs and controls the practice of methods for controlling routing of
20 telephone calls to and for consumers in the United States and, more particularly, in the District of
21 Nevada. West Corp. may be served with process by serving its registered agent, The Corporation
22 Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

23 7. Upon information and belief, Defendant Working Solutions, Inc. ("Working Solutions")
24 is, and at all relevant times mentioned herein was, a corporation organized and existing under the
25 laws of the State of Delaware with principal places of business at 1820 Preston Park Blvd., Suite
26 2000, Plano, Texas 75093. Upon information and belief, Defendant Working Solutions sells and/or
27 uses or puts into use call control systems and/or practices or directs and controls the practice of
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1 methods for controlling routing of telephone calls to and for consumers in the United States and,
2 more particularly, in the District of Nevada. Working Solutions may be served with process by
3 serving its registered agent, Donald L. Boyer, CPA, 2392 Limestone Rd., Wilmington, DE 19808.

4 **JURISDICTION AND VENUE**

5 8. This is an action for violation of the patent laws of the United States, Title 35, United States
6 Code, more particularly, 35 U.S.C. §§ 271 et seq.

7 9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8 10. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted
9 and does conduct business within the State of Nevada. Each Defendant, directly or through
10 intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells,
11 and advertises (including the provision of an interactive web page) its products and/or services in
12 the United States, and, more particularly, the District of Nevada. Upon information and belief,
13 each Defendant has purposefully and voluntarily placed one or more of its infringing products
14 and/or services, as described below, into the stream of commerce with the expectation that they will
15 be purchased by consumers in the District of Nevada. Upon information and belief, these
16 infringing products and/or services have been and continue to be purchased by consumers and/or
17 performed in the District of Nevada. Each Defendant has committed the tort of patent infringement
18 within the State of Nevada and, more particularly, within the District of Nevada.

19 11. Venue is proper in the District of Nevada under 28 U.S.C. §§ 1391 and 1400(b).

20 **BACKGROUND**

21 12. Wendell D. Brown ("Mr. Brown"), co-founder of Alto Ventures in 2001, is the sole inventor
22 of the patent-in-suit, U.S. Patent No. 7,418,092 ("the '092 Patent"). Mr. Brown is a serial
23 entrepreneur who has owned and operated several businesses over the course of his career in
24 Nevada and other states, including eVoice and Teleo. He has sold many of those businesses in
25 recent years to concentrate on other ventures.

26 13. In 1980, while an undergraduate student at Cornell University, Mr. Brown was awarded a
27 Hughes Aircraft Bachelors of Science Undergraduate Fellowship. In the early to mid 1980s, Mr.
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1 Brown first became well known for writing and designing several best-selling games for Imagic,
2 including Star Wars for ColecoVision, as well as Beauty & the Beast, Nova Blast, and
3 Moonsweeper for Mattel's Intellivision.

4 14. Later, Mr. Brown would go on to invent and design ADAP, the world's first
5 direct-to-hard-disk audio-recording system. In the late 1980s and early 1990s, ADAP was used to
6 create and edit the soundtracks of Hollywood movies and TV shows, including the TV pilot of
7 Beverly Hills, 90210, and by recording artists including Peter Gabriel, Fleetwood Mac and The
8 Pointer Sisters.

9 15. Mr. Brown also created the eVoice voicemail platform, the first large-scale,
10 Internet-enabled voicemail system. Mr. Brown pioneered techniques such as voicemail-to-email,
11 visual voicemail, and enhanced caller ID. eVoice supplied voicemail solutions to AT&T, MCI,
12 AOL, as well as to many regional companies. eVoice was acquired by AOL Time-Warner in 2001,
13 and the eVoice platform subsequently became part of the AOL voice services group.

14 16. Mr. Brown later co-founded a company called Teleo, for which he created a Voice over IP
15 ("VoIP") system enabling desktop and laptop PC users to send and receive phone calls over the
16 Internet. Teleo was later acquired by Microsoft in 2005.

17 17. Mr. Brown is also a licensed private pilot and is active in the development of new airplane,
18 rocket, and electric vehicle designs. In 2010, Mr. Brown was appointed to the prestigious advisory
19 committee of the Progressive X Prize for automobile innovation including new fuel technologies
20 and electric car development.

21 18. Mr. Brown's philanthropic endeavors include the endowment of a named scholarship at
22 Soka University of America (Aliso Viejo, California), support for Embry-Riddle Aeronautical
23 University's Aviation Safety Lab & Library, and private sponsorship of underprivileged students
24 in South America.

25 19. Along the way, Mr. Brown has filed for more than 40 patents both domestically and
26 internationally in the fields of telecommunications (including the patent-in-suit), electric car
27 technology, and online music distribution. He is a pioneer of multiple green technologies including
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1 the development of Jatropha biodiesel, electric car charging systems, and the next generation of
2 LED lighting.

3 **COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 7,418,092**

4 20. Alto Ventures refers to and incorporates all preceding paragraphs as though fully set forth
5 herein.

6 21. United States Patent No. 7,418,092, entitled "Virtual Call Center" was duly and legally
7 issued by the United States Patent and Trademark Office on August 26, 2008, after full and fair
8 examination. Alto Ventures is the assignee of all rights, title, and interest in and to the '092 Patent
9 and possesses all rights of recovery under the '092 Patent, including the right to recover damages
10 for past infringements. A true and correct copy of the '092 Patent is attached as Exhibit 1.

11 22. Upon information and belief, Convergys sells and/or uses or puts into use call control
12 systems and/or practices or directs and controls the practice of methods for controlling routing of
13 telephone calls to and for consumers, through various of its products and services including, but
14 not limited to, its "Convergys Hosted Contact Center Solutions." The sale and/or use or putting
15 into use-either itself or through its end user customers-of the Convergys Hosted Contact Center
16 Solutions for controlling routing of telephone calls to and for consumers infringes one or more
17 claims of the '092 Patent.

18 23. Upon information and belief, Five9 sells and/or uses or puts into use call control systems
19 and/or practices or directs and controls the practice of methods for controlling routing of telephone
20 calls to and for consumers, through various of its products and services including, but not limited
21 to, its "Five9 Call Center Solutions." The sale and/or use or putting into use-either itself or through
22 its end user customers-of the Five9 Call Center Solutions for controlling routing of telephone calls
23 to and for consumers infringes one or more claims of the '092 Patent.

24 24. Upon information and belief, TeleTech sells and/or uses or puts into use call control
25 systems and/or practices or directs and controls the practice of methods for controlling routing of
26 telephone calls to and for consumers, through various of its products and services including, but
27 not limited to, its "Hosted Technology solutions." The sale and/or use or putting into use-either
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1 itself or through its end user customers-of the Hosted Technology solutions for controlling routing
2 of telephone calls to and for consumers infringes one or more claims of the '092 Patent.

3 25. Upon information and belief, Transera sells and/or uses or puts into use call control systems
4 and/or practices or directs and controls the practice of methods for controlling routing of telephone
5 calls to and for consumers, through various of its products and services including, but not limited
6 to, its "Virtual Call Center Solution" product. The sale and/or use or putting into use-either itself
7 or through its end user customers-of the Virtual Call Center Solution products, e.g., the
8 SERATEL® product, for controlling routing of telephone calls to and for consumers infringes one
9 or more claims of the '092 Patent.

10 26. Upon information and belief, West Corp. sells and/or uses or puts into use call control
11 systems and/or practices or directs and controls the practice of methods for controlling routing of
12 telephone calls to and for consumers, through various of its products and services including, but
13 not limited to, its "West Interactive Hosted Contact Center Solution" product. The sale and/or use
14 or putting into use-either itself or through its end user customers-of the West Interactive Hosted
15 Contact Center Solution product for controlling routing of telephone calls to and for consumers
16 infringes one or more claims of the '092 Patent.

17 27. Upon information and belief, Working Solutions sells and/or uses or puts into use call
18 control systems and/or practices or directs and controls the practice of methods for controlling
19 routing of telephone calls to and for consumers, through various of its products and services
20 including, but not limited to, its "WS iNet" product. The sale and/or use or putting into use-either
21 itself or through its end user customers-of the WS iNet product for controlling routing of telephone
22 calls to and for consumers infringes one or more claims of the '092 Patent..

23 28. Defendants have actual notice of the '092 Patent at least as early as the filing of this Original
24 Complaint.

25 29. Upon information and belief, Defendants are infringing one or more claims, including but
26 not limited to claims 1 and 16 of the '092 Patent under 35 U.S.C. § 271 by performing, without
27 authority, one or more of the following acts: (i) making, using, offering to sell, and/or selling within
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1 the United States the patented information of one or more claims of the '092 Patent or a product
2 made by the patented process of one or more claims of the '092 Patent; (ii) importing into the
3 United States the patented invention of one or more claims of the '092 Patent or a product made
4 by the patented process of one or more claims of the '092 Patent; and/or (iii) using or putting into
5 use every element of one or more of the system claims of the '092 Patent.

6 30. Alto Ventures has been damaged as a result of Defendants' infringing conduct. Thus,
7 Defendants are liable to Alto Ventures in an amount that adequately compensates Alto Ventures
8 for the Defendants' respective infringements, which, by law, cannot be less than a reasonable
9 royalty, together with interest and costs as fixed by this Court under 35 § U.S.C. 284.

10 31. The Defendants will continue to infringe the claims of the '092 Patent unless a post
11 judgment royalty is awarded.

12 32. Alto Ventures is in compliance with the requirements of 35 U.S.C. § 287, to the extent
13 applicable.

14 33. As a result of the Defendants' acts of infringement, Alto Ventures has suffered and will
15 continue to suffer damages in an amount to be proved at trial.

16 **PRAYER FOR RELIEF**

17 Alto Ventures prays for the following relief:

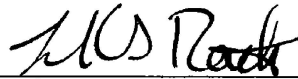
- 18 A. A judgment that the Defendants have infringed the '092 Patent as alleged herein;
19 B. A judgment and order requiring Defendants to pay Alto Ventures compensatory damages
20 in an amount no less than a reasonable royalty under 35 U.S.C. § 284;
21 C. A judgment and order requiring Defendants to pay Alto Ventures pre-judgment and
22 post-judgment interest on the damages awarded;
23 D. A judgment and order that the Defendants pay Alto Ventures an on-going post-judgment
24 royalty for future acts of infringement, at a rate to be determined by the jury or the Court; and
25 E. Any and all other relief as the Court deems just and equitable.
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2 **DEMAND FOR JURY TRIAL**

3 Alto Ventures, Inc. hereby demands that all issues be determined by a jury.

4 June 27, 2011

Respectfully submitted,

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7 Jonathan T. Suder
8 Texas State Bar No. 19463350 (will comply with LR
9 IA 10-2 within 5 days)

Lead Attorney

Michael T. Cooke
Texas State Bar No. 04759650 (will comply with LR
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28 COUNSEL FOR PLAINTIFF

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