



publishers to securely distribute and sell their high-value technology assets with minimum burden to their legitimate end users. Uniloc's technology is used in several markets, including software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. McAfee, Inc. ("McAfee" or "Defendant") is a Delaware corporation with its principal place of business in Santa Clara, California. McAfee may be served with process through its registered agent, the Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, Delaware, 19801. Upon information and belief, McAfee does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

5. Uniloc brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, McAfee is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district and/or, has regular and established places of business in this judicial district.

7. McAfee 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 State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

**COUNT I**  
**(INFRINGEMENT OF U.S. PATENT NO. 5,490,216)**

8. Uniloc incorporates paragraphs 1 through 7 herein by reference.

9. Uniloc Luxembourg is the owner, by assignment, of the '216 patent, entitled "SYSTEM FOR SOFTWARE REGISTRATION." A true and correct copy of the '216 patent is attached as Exhibit A.

10. Uniloc USA is the exclusive licensee of the '216 patent with ownership of all substantial rights in the '216 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

11. The '216 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

12. McAfee is directly infringing one or more claims of the '216 patent in this judicial district and elsewhere in Texas, including but not necessarily limited to claims 1-5, 7-12, 15-16, and 19-20, without the consent or authorization of Uniloc, by or through making, using, offering for sale, selling and/or importing a system, device and/or method for reducing software piracy, reducing casual copying and/or reducing the unauthorized use of software (the "accused instrumentality"), including without limitation McAfee's product activation systems and processes that permit customers to activate and/or register software, including but not limited to McAfee's Online Backup and Total Protection 2013 products.

13. McAfee also may be infringing through other product activation systems and processes that permit customers to activate and/or register software not presently known to Uniloc. Uniloc reserves the right to discover and pursue relief against all infringing instrumentalities.

14. Uniloc has been damaged as a result of McAfee's infringing conduct described in this Count. McAfee is, thus, liable to Uniloc in an amount that adequately compensates it for McAfee's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

15. Any allegation of infringement against any defendant herein was not made on the basis of its use, sale, offer for sale, making or importing of any product, software, system, method or service provided by Flexera Software LLC or Rovi Solutions Corporation or any of their present or former affiliates or predecessors (including Flexera Software, Inc. Acresto Software Inc., Installshield Software Corporation, Flexco Holding Company, Inc., Installshield Co Inc., Globetrotter Software, Inc., C-Dilla Limited and Macrovision Corporation) (each a "Licensee Product"), including any product, software, system, method or service incorporating or using the activation, licensing, or registration functionality provided by such Licensee Product.

**JURY DEMAND**

Uniloc hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

Uniloc requests that the Court find in its favor and against McAfee, and that the Court grant Uniloc the following relief:

- a. Judgment that one or more claims of the '216 patent has been infringed, either literally and/or under the doctrine of equivalents, by McAfee;
- b. Judgment that McAfee account for and pay to Uniloc all damages to and costs incurred by Uniloc because of McAfee's infringing activities and other conduct complained of herein;

- c. Judgment that McAfee account for and pay to Uniloc a reasonable, on-going, post judgment royalty because of McAfee's infringing activities and other conduct complained of herein;
- d. That Uniloc be granted pre-judgment and post-judgment interest on the damages caused by McAfee's infringing activities and other conduct complained of herein; and
- e. That Uniloc be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: April 23, 2013**

Respectfully submitted,

/s/ Edward E. Casto, Jr.

Edward E. Casto, Jr.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on April 23, 2013, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Edward E. Casto, Jr.