



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. Symantec Corporation ("Symantec" or "Defendant") is a Delaware corporation with its principal place of business in Mountain View, California. Symantec may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808. Upon information and belief, Symantec 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, Symantec 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. Symantec 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. Symantec 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 1-5,7-16, and 19, 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, including without limitation Symantec's product activation systems and processes that permit customers to activate and/or register software (the "accused instrumentality"). Upon information and belief, multiple Symantec products utilize the accused instrumentality, including, but not limited to the Norton AntiVirus products.

13. Symantec 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 Symantec's infringing conduct described in this Count. Symantec is, thus, liable to Uniloc in an amount that adequately compensates it for Symantec'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 Symantec, 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 Symantec;
- b. Judgment that Symantec account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Symantec's infringing activities and other conduct complained of herein;

- c. Judgment that Symantec account for and pay to Uniloc a reasonable, on-going, post judgment royalty because of Symantec'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 Symantec'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: May 1, 2013**

Respectfully submitted,

/s/ Edward E. Casto, Jr.

Edward E. Casto, Jr.

Lead Attorney

Texas State Bar No. 24044178

Barry J. Bumgardner

Texas State Bar No. 00793424

Steven W. Hartsell

Texas State Bar No. 24040199

Jaime K. Olin

Texas State Bar No. 24070363

R. Casey O'Neill

Texas State Bar No. 24079077

NELSON BUMGARDNER CASTO, P.C.

3131 West 7<sup>th</sup> Street, Suite 300

Fort Worth, Texas 76107

Phone: (817) 377-9111

Fax: (817) 377-3485

ecasto@nbclaw.net

barry@nbclaw.net

shartsell@nbclaw.net

jolin@nbclaw.net

coneill@nbclaw.net

James L. Etheridge

Texas State Bar No. 24059147

ETHERIDGE LAW GROUP, PLLC

2600 E. Southlake Blvd., Suite 120 / 324

Southlake, Texas 76092

Telephone: (817) 470-7249

Facsimile: (817) 887-5950

Jim@EtheridgeLaw.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
J. Wesley Hill  
Texas State Bar No. 24032294  
WARD & SMITH LAW FIRM  
P.O. Box 1231  
1127 Judson Road, Ste. 220  
Longview, Texas 75606-1231  
(903) 757-6400  
(903) 757-2323 (fax)  
jw@wsfirm.com  
wh@wsfirm.com

**ATTORNEYS FOR PLAINTIFFS  
UNILOC USA, INC. AND UNILOC  
LUXEMBOURG S.A.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of May 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward E. Casto, Jr.