



applications and digital content. Uniloc's patented technologies enable software and content 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. Sony Corporation of America ("Sony Corp.") is a New York corporation with its principal place of business in New York, New York. Sony Corp. may be served with process through its registered agent, Corporation Service Company, 80 State Street, Albany, New York, 12207. Upon information and belief, Sony Corp. does business in the State of Texas and in the Eastern District of Texas.

5. Sony DADC US Inc. ("Sony DADC") is a Delaware corporation with its principal place of business in Terre Haute, Indiana. Sony DADC may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808. Upon information and belief, Sony DADC does business in the State of Texas and in the Eastern District of Texas.

#### **JURISDICTION AND VENUE**

6. 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.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Sony 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.

8. Sony 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)**

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

10. 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.

11. 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.

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

13. Sony has been aware of the '216 patent since at least July 29, 2010 as a result of the complaint for patent infringement filed in *Uniloc USA, Inc. et al. v. Sony Corporation of America, et al.*, Case No. 6:10-cv-00373 (E.D. Tex.).

14. Sony has been and 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 claim 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

Sony's SecuROM Product Activation and/or SecuROM Data File Activation systems and processes that permit customers to activate and/or register software (the "accused instrumentality"). Sony's conduct amounts to direct infringement of the '216 patent in violation of 35 U.S.C. § 271(a).

15. Sony has been and is inducing direct infringement of 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 offering for sale and/or selling Sony's SecuROM Product Activation and/or SecuROM Data File Activation systems and processes that permit customers to activate and/or register software. In this scenario, Sony's customers, such as but not limited to, Electronic Arts, are the direct infringers who incorporate Sony's SecuROM product activation technology into games such as, but not limited to, Command and Conquer: Red Alert 3, Spore, FIFA Soccer 09 and Mass Effect. See Exhs. D and E. Despite knowing of Uniloc's contentions that SecuROM infringers the '216 patent, based on the July 29, 2010 suit, Sony continues to advertise, promote and sell its SecuROM Product Activation and SecuROM Data File Activation products to its customers. See Exhs. B and C. Sony's conduct amounts to active inducement of infringement of the '216 patent in violation of 35 U.S.C. § 271(b).

16. Sony has been and is contributing to the direct infringement of 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 offering for sale and/or selling Sony's SecuROM Product Activation and/or SecuROM Data File Activation systems and processes that permit customers to activate and/or register software. In this scenario, Sony's customers, such as but not limited to Electronic Arts, are the direct infringers who incorporate Sony's SecuROM product activation technology into games such as,

but not limited to, Command and Conquer: Red Alert 3, Spore, FIFA Soccer 09 and Mass Effect. See Exhs. D and E. The software code contained in SecuROM Product Activation and SecuROM Data File Activation are not staple articles or commodities suitable for substantial noninfringing use. Despite knowing of Uniloc's contentions that SecuROM infringers the '216 patent, based on the July 29, 2010 suit, Sony continues to advertise, promote, sell and supply its SecuROM Product Activation and SecuROM Data File Activation products to its customers. Sony's conduct amounts to contributory infringement of the '216 patent in violation of 35 U.S.C. § 271(c).

17. Sony 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.

18. Uniloc has been damaged as a result of Sony's infringing conduct described in this Count. Sony is, thus, liable to Uniloc in an amount that adequately compensates it for Sony'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.

19. 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. Acresso 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.

**PRAAYER FOR RELIEF**

Uniloc requests that the Court find in its favor and against Sony, 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 Sony;
- b. Judgment that Sony account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Sony's infringing activities and other conduct complained of herein;
- c. Judgment that Sony account for and pay to Uniloc a reasonable, on-going, post judgment royalty because of Sony'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 Sony'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 3, 2013**

Respectfully submitted,

/s/ Edward E. Casto, Jr.

Edward E. Casto, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</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.