

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

	§	
UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 6:15-cv-1175
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
CISCO SYSTEMS, INC.,	§	
	§	JURY TRIAL DEMANDED
Defendant.	§	
	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Cisco Systems, Inc. (“Cisco”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a placed of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of unified telecommunications. Uniloc’s technologies enable unified telecommunication clients to establish and use collaborative VoIP text, media, audio and video communication solutions. Uniloc’s

technologies are used in several markets, including unified communications and enterprise business VoIP telephony.

4. Upon information and belief, Cisco is a California corporation having a principal place of business at 170 West Tasman Drive, San Jose, California 95134 and does business in Texas, *inter alia*, at 2200 East President George Bush Turnpike, Richardson, Texas 75082 and in the judicial Eastern District of Texas. Cisco may be served with process through its registered agent in Texas.

JURISDICTION AND VENUE

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* 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). Upon information and belief, Cisco is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas and/or has a regular and established place of business in this judicial district.

7. Cisco is subject to this Court's 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 past infringing activities, and (B) regularly doing or soliciting business at 2200 East President George Bush Turnpike, Richardson, Texas 75082 and (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

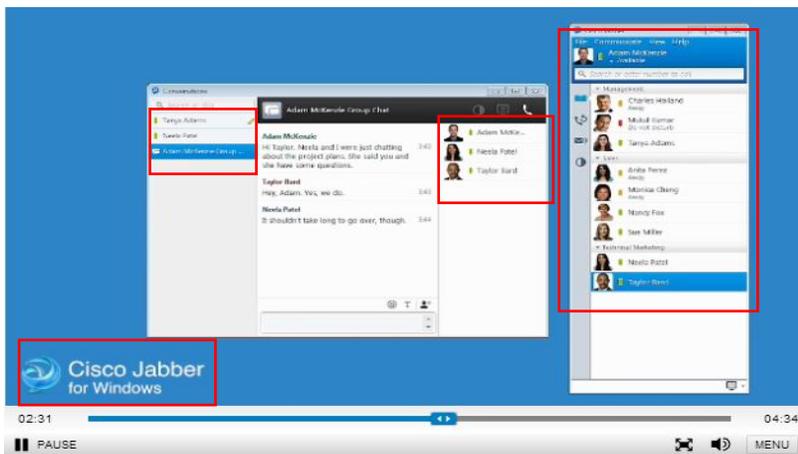
COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 7,804,948)

8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,804,948 (“the ‘948 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL that issued on September 28, 2010. A true and correct copy of the ‘948 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the ‘948 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

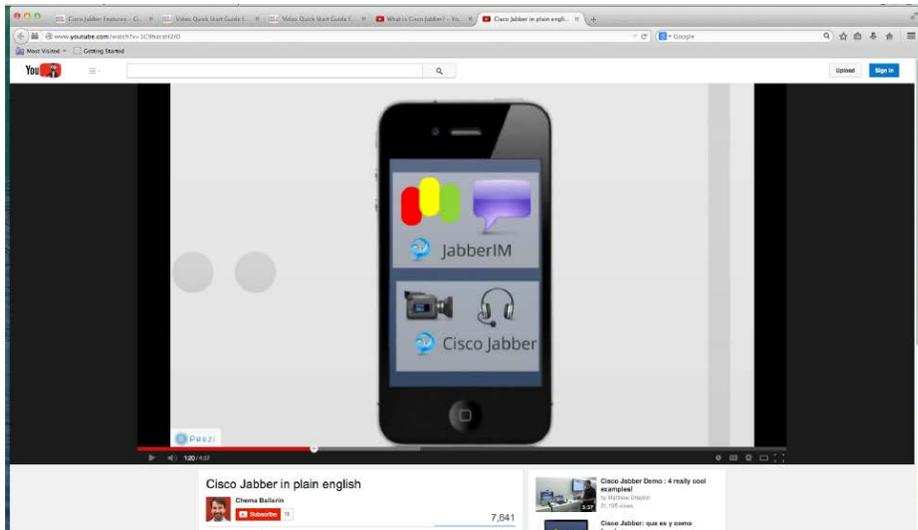
11. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.



Source: http://www.cisco.com/c/en/us/products/servers-unified-computing/jabber_windows.html

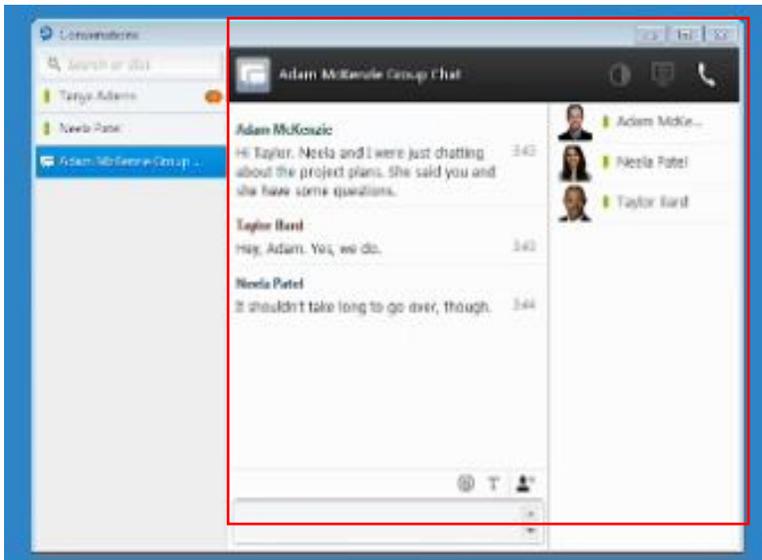
12. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence

Applications for Unified Communications Manager, and Cisco Unified Communications Manager.



Source: <http://www.youtube.com/watch?v=AvOFiTLcDBE>

13. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.



Source: "Video Quick Start Guide for Cisco Jabber for Windows 9.1 Placing Calls"

14. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

Jabber Chat Window

Chat sessions open in the Integrated Session window. Use the following icons to enhance your chat.

Icon	Description
	Click to start a call. If you are chatting with multiple people, click to start a conference call.
	Click to open a browser for a WebEx conference. You receive an invitation email that you can forward to other participants. You can also copy the link from the email and paste it into the chat window.
	Click to add the contact to the contact list. This icon appears only during a person-to-person chat, if the contact is not already in your contact list.
	Click to send a screen capture.
	Click to send an attachment.
	Click to select from a palette of smileys.
	Click to select a font, type size, and color.
	Click to search your corporate directory and add people not already on your contact list to your chat. Tip You can also drag a name from your contact list onto your active chat window to add them to your chat.

Source: http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/vxc/english/vxme/9-x_jabber_ug/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90_chapter_00.html#reference_45C1C335FB53423C87A45E50AEF2542E

15. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

ESCALATING AN INSTANT MESSAGE TO A CALL

During an instant message conversation, you can escalate the conversation to a voice call, by pressing the phone symbol in the top right hand corner.

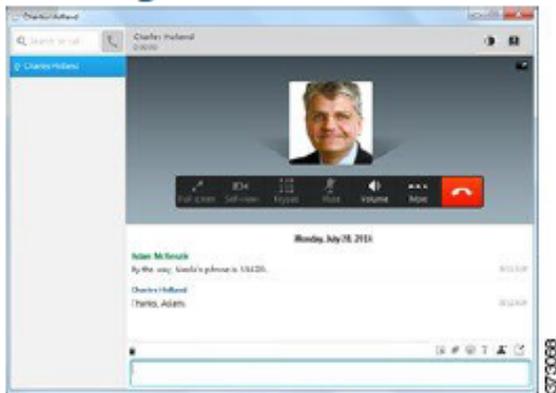


If you and the recipient have a web cam connected to your computers, you will be able to video conference. See the *Video Conference* section of this guide for more details.

Source: <http://www.lancaster.ac.uk/iss/info/IThandouts/jabber/JabberForWindows.pdf>

16. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

Making a Call



To call people, you can:

- Enter their phone number in the Search or Call bar
- Right-click over their name in your contact list
- Select the Call icon in a chat window with the user

Source: Cisco Jabber for Windows 10.5 Quick Start Guide.

17. Upon information and belief, the following describes, at least in part, the Cisco Jabber enterprise collaboration communications solution including Cisco Unified Presence

Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

Cisco Unified Communications Manager (formerly Cisco Unified CallManager) serves as the software-based, call-processing component of Cisco Unified Communications. The Cisco Unified Communications Applications Server provides a high-availability server platform for Cisco Unified Communications Manager call processing, services, and applications.

The Cisco Unified Communications Manager system extends enterprise telephony features and functions to packet telephony network devices such as IP phones, media processing devices, voice-over-IP (VoIP) gateways, and multimedia applications. Additional data, voice, and video services, such as unified messaging, multimedia conferencing, collaborative contact centers, and interactive multimedia response systems, interact through Cisco Unified Communications Manager open telephony application program interface (API).

Cisco Unified Communications Manager provides signaling and call control services to Cisco integrated telephony applications as well as to third-party applications. It performs the following primary functions:

- Call processing
- Signaling and device control
- Dial plan administration
- Phone feature administration
- Directory services
- Operations, administration, management, and provisioning (OAM&P)
- Programming interface to external voice-processing applications such as Cisco IP Communicator, Cisco Unified IP Interactive Voice Response (IP IVR), and Cisco Unified Communications Manager Attendant Console

Source: http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/cucm/admin/8_6_1/ccmsys/accm-861-cm/a01intro.html

18. Cisco has directly infringed one or more claims of the '948 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 6, 8, 9, 12, 18, 20, and 22, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Cisco Jabber Unified Communications solutions including, without limitation, the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

19. Cisco may have infringed the '948 Patent through other software utilizing the same or reasonably similar functionality, including other versions of instant message to voice conference initiation or implementations of the Cisco hardware/software. Uniloc reserves the right to discover and pursue all such additional infringing software. For the avoidance of doubt, the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager hardware/software is identified for exemplary purposes and in no way limits the discovery and infringement

allegations against Cisco concerning other hardware/software that incorporated the same or reasonably similar instant messaging and conference call functionality.

20. Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 6, 8, 9, 12, 18, 20, and 22 of the '948 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale selling, or importation of at least Cisco's Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager. Cisco's enterprise customers who purchase systems and components thereof and operate such systems and components in accordance with Cisco's instructions directly infringe one or more claims of the '948 Patent in violation of 35 U.S.C § 271. Cisco instructs its customers through live and web demonstrations, training videos, brochures and administration, maintenance, installation and user guides, such as those located at the following:

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/cucm/admin/8_6_1/ccmsys/accm-861-cm/a01intro.html

<https://www.youtube.com/watch?v=AYRVHc9-0JI>

<http://www.cisco.com/c/en/us/support/unified-communications/jabber-windows/products-user-guide-list.html>

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/vxc/english/vxme/9-x_jabber_ug/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90_chapter_00.html#reference_45C1C335FB53423C87A45E50AEF2542E

http://www.cisco.com/c/en/us/products/servers-unified-computing/jabber_windows.html

Cisco is thereby liable for infringement of the '948 Patent pursuant to 35 U.S.C § 271(b).

21 Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 6, 8, 9, 12, 18, 20, and 22 of the '948 Patent, by among other things, contributing to the direct infringement of others, including without limitation enterprise customers of its Cisco

Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager, by making, offering to sell, or selling, in the United States, or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '948 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

22. For example, the Cisco software module that allows it enterprise clients to initiate a conference call from a group instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Cisco is liable for infringement pursuant to 35 U.S.C § 271(c).

23. Cisco will have been on notice of the '948 Patent since, at the latest, the service of this complaint. By the time of trial, Cisco will thus have known and intended (since receiving such notice), that its continued actions would actively induce and contribute to actual infringement of at least Claims 1, 2, 6, 8, 9, 12, 18, 20, and 22 of the '948 Patent.

24. Uniloc has been damaged, reparably and irreparably, by Cisco's infringement of the '948 Patent and such damage will continue unless and until Cisco is enjoined.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 7,853,000)

25. Uniloc incorporates paragraphs 1-24 above by reference.

26. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,853,000 (“the ‘000 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL that issued on December 14, 2010. A true and correct copy of the ‘000 Patent is attached as Exhibit B hereto.

27. Uniloc USA is the exclusive licensee of the ‘000 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

28. Cisco has directly infringed one or more claims of the ‘000 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 6, 7, 9, 10, 12, 18, 21, 22, and 23 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Unified Communications software including, without limitation, the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

29. Cisco may have infringed the ‘000 Patent through other software utilizing the same or reasonably similar functionality, including other versions of instant message to voice conference initiation or implementations of the Cisco hardware/software. Uniloc reserves the right to discover and pursue all such additional infringing software. For the avoidance of doubt, the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager hardware/software is identified for exemplary purposes and in no way limits the discovery and infringement

allegations against Cisco concerning other hardware/software that incorporated the same or reasonably similar instant messaging and conference call functionality.

30. Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 6, 7, 9, 10, 12, 18, 21, 22, and 23 of the '000 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale selling, or importation of at least the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager. Cisco's enterprise customers who purchase systems and components thereof and operate such systems and components in accordance with Cisco's instructions directly infringe one or more claims of the '000 Patent in violation of 35 U.S.C § 271. Cisco instructs its customers through live and web demonstrations, training videos, brochures and administration, maintenance, installation and user guides, such as those located at the following:

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/cucm/admin/8_6_1/ccmsys/accm-861-cm/a01intro.html

<https://www.youtube.com/watch?v=AYRVHc9-0JI>

<http://www.cisco.com/c/en/us/support/unified-communications/jabber-windows/products-user-guide-list.html>

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/vxc/english/vxme/9-x_jabber_ug/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90_chapter_00.html#reference_45C1C335FB53423C87A45E50AEF2542E

http://www.cisco.com/c/en/us/products/servers-unified-computing/jabber_windows.html

31. Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 6, 7, 9, 10, 12, 18, 21, 22, and 23 of the '000 Patent, by among other things, contributing to the direct infringement of others, including without limitation enterprise customers of its Cisco Jabber Unified Communications solutions, by making, offering to sell, or selling, in the United

States, or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '000 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

32. For example, the Cisco software module that allows it enterprise clients to initiate a conference call from a group instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Cisco is liable for infringement pursuant to 35 U.S.C § 271(c).

33. Cisco will have been on notice of the '000 Patent since, at the latest, the service of this complaint. By the time of trial, Cisco will thus have known and intended (since receiving such notice), that its continued actions would actively induce and contribute to actual infringement of at least Claims 1, 2, 6, 7, 9, 10, 12, 18, 21, 22, and 23 of the '000 Patent.

34. Uniloc has been damaged, reparably and irreparably, by Cisco's infringement of the '000 Patent and such damage will continue unless and until Cisco is enjoined.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 8,571,194)

35. Uniloc incorporates paragraphs 1-34 above by reference.

36. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 ("the '194 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL that issued on October 29, 2013. A true and correct copy of the '194 Patent is attached as Exhibit C hereto.

37. Uniloc USA is the exclusive licensee of the '194 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

38. Cisco has directly infringed one or more claims of the '194 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 3, 4, and 5, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager.

39. In addition, should Cisco's products be found to not literally infringe the asserted claims of the '194 Patent, Cisco's accused products would nevertheless infringe the asserted claims of the '194 Patent. More specifically, the Cisco accused products perform substantially the same function (contains instructions for implementing an instant message to voice call capability), in substantially the same way (comprising computer readable instructions contained on or loaded into non-transitory memory), to yield substantially the same result (effecting an instant message to voice conference call). Cisco would thus be liable for direct infringement under the doctrine of equivalents.

40. Cisco may have infringed the '194 Patent through other software utilizing the same or reasonably similar functionality, including other versions of instant message to voice conference initiation or implementations of the hardware/software. Uniloc reserves the right to discover and pursue all such additional infringing software. For the avoidance of doubt, the Cisco Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager hardware/software is identified for exemplary purposes and in no way limits the discovery and infringement

allegations against Cisco concerning other hardware/software that incorporated the same or reasonably similar instant messaging and conference call functionality.

41. Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 3, 4, and 5 of the '194 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale selling, or importation of at least Cisco's Jabber communications client, Cisco Unified Presence Applications for Unified Communications Manager, and Cisco Unified Communications Manager. Cisco's enterprise customers who purchase systems and components thereof and operate such systems and components in accordance with Cisco's instructions directly infringe one or more claims of the '194 Patent in violation of 35 U.S.C § 271. Cisco instructs its customers through live and web demonstrations, training videos, brochures and administration, maintenance, installation and user guides, such as those located at the following:

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/cucm/admin/8_6_1/ccmsys/accm-861-cm/a01intro.html

<https://www.youtube.com/watch?v=AYRVHc9-0JI>

<http://www.cisco.com/c/en/us/support/unified-communications/jabber-windows/products-user-guide-list.html>

http://www.cisco.com/c/en/us/td/docs/voice_ip_comm/vxc/english/vxme/9-x_jabber_ug/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90/VXME_BK_UAEFDAFE_00_ug-cisco-jabber-vxme-90_chapter_00.html#reference_45C1C335FB53423C87A45E50AEF2542E

http://www.cisco.com/c/en/us/products/servers-unified-computing/jabber_windows.html

Cisco is thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C § 271(b).

42. Cisco has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 3, 4, and 5 of the '194 Patent, by among other things, contributing to the direct infringement of others, including without limitation enterprise customers of its Cisco Jabber Unified

Communications solutions, by making, offering to sell, or selling, in the United States, or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '194 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

43. For example, the Cisco software module that allows its enterprise clients to initiate a conference call from an individual or group instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Cisco is liable for infringement pursuant to 35 U.S.C. § 271(c).

44. Cisco will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, Cisco will thus have known and intended (since receiving such notice), that its continued actions would actively induce and contribute to actual infringement of at least Claims 1, 2, 3, 4, and 5 of the '194 Patent.

45. Uniloc has been damaged, reparably and irreparably, by Cisco's infringement of the '194 Patent and such damage will continue unless and until Cisco is enjoined.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Cisco as follows:

- (A) that Cisco has infringed the '948 Patent, the '000 Patent and the '194 Patent;
- (B) awarding Uniloc its damages suffered as a result of Cisco's infringement of the '948 Patent, the '000 Patent and the '194 Patent pursuant to 35 U.S.C. § 284;

- (C) enjoining Cisco, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '948 Patent, the '000 Patent and the '194 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: December 30, 2015

Respectfully submitted,

By: /s/ Craig Tadlock
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Keith Smiley
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ATTORNEYS FOR THE PLAINTIFFS