

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

	§	
UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 6:16-cv-100
	§	
Plaintiffs,	§	
	§	PATENT CASE
v.	§	
	§	
NEC CORPORATION OF AMERICA,	§	
	§	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, NEC Corporation of America (“NEC”), 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, NEC is a Nevada corporation having a principal place of business at 6535 N. State Highway 161, Irving, Texas. NEC may be served with process through its registered agent in Texas: National Registered Agents, Inc., 1999 Bryan St., Suite 900, Dallas, Texas 75201.

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, NEC is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. NEC 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 6535 N. State Highway 161, Irving, Texas and/or (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. 8,571,194)

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

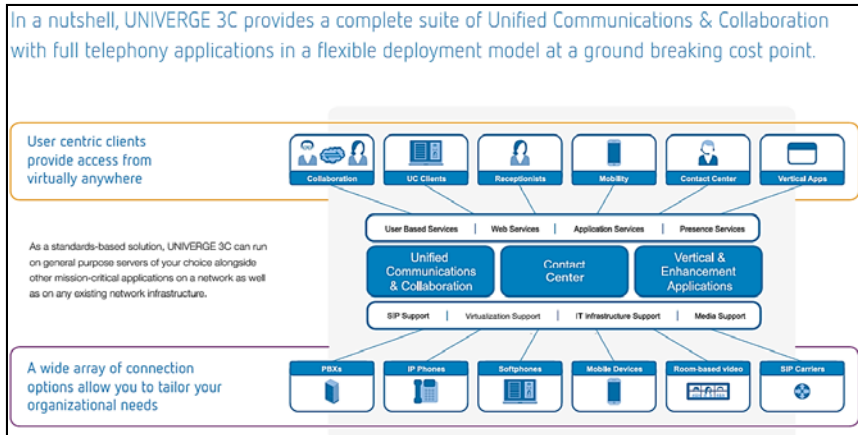
9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 (“the ‘194 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL that issued on October 29, 2013. A true and correct copy of the ‘194 Patent is attached as Exhibit A hereto.

10. 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.

11. Upon information and belief, the following describes, at least in part, the NEC Unified Communications solution, imported, tested, used, offered for sale and/or sold by NEC in the United States during the pendency of the ‘194 Patent, and more specifically, the NEC System’s instant messaging and conference call capabilities.

<p>UNIVERGE 3C is a powerful, all-in-one software-based UC and Collaboration platform that operates across premises, cloud or hybrid environments.</p> <p>With adaptive clients operating consistently across PCs, smartphones and tablets, it enables anywhere, anytime access for increased efficiency and productivity, supporting full call control and UC features for office as well as mobile and remote workers.</p> <p>From the feature rich UC Client a user can control devices, setup profiles, retrieve voicemail messages, check presence, IM, initiate audio/video conferences and create collaboration meetings.</p> <p>UNIVERGE 3C is a single business application that is easy to install, manage, upgrade and support and a natural fit into an enterprise's virtualized IT infrastructure and data center. A software-based licensing model reduces complexity and cost, while comprehensive management tools support easy administration.</p> <p>The highly reliable architecture ensures business continuity, while open, standards-based components enable interoperability and integration of communications into business processes.</p> <p>UNIVERGE 3C runs on an off-the-shelf industry standard server.</p>
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12. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.



13. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.

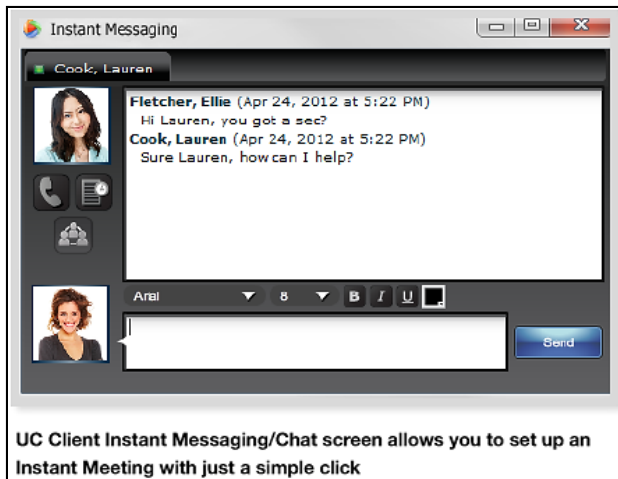
Delivered on a DVD, or if preferred installed on a physical machine or virtualized with VMWare or Hyper-V, it runs on industry standard hardware (Intel or AMD) with Windows Server. Each server (physical or virtual) supports up to 1,500 devices, while up to 20 servers can be deployed in the network.

14. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.

Table 2-1 Additional Requirements

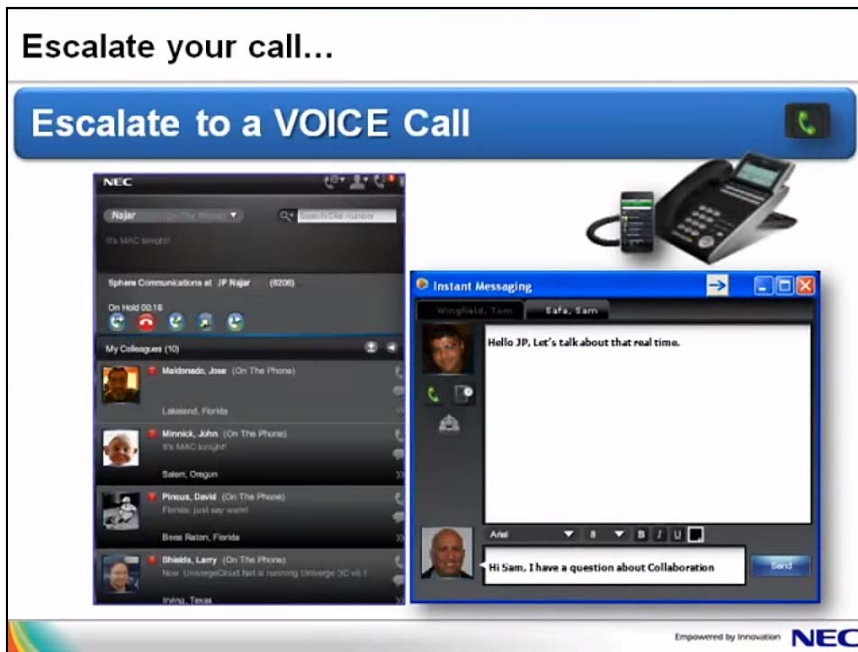
Operating System
Microsoft Windows Server 2003 R2 SP2 or later 32bit/64bit Microsoft Windows Server 2008 32bit/64bit Microsoft Windows Server 2008 R2 (latest Service Pack and Critical Updates)
Processor
Dual Core 1.8GHz or faster
Memory
2 GB RAM.
Hard Drive Space (available before installation)
10 GB or more available space
Web Server
Microsoft Internet Explorer 6.0, 7.0 and 8.0 (latest Service Pack and Critical Updates) for Windows
<i>Note: IIS requires installation of the current security patches located at windowsupdate.microsoft.com.</i>
.NET Framework
.NET Framework 3.5 SP1

15. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.






16. Upon information and belief, at least in part, the following describes the NEC Unified Communication system.



17. Upon information and belief, at least in part, the following describes the NEC Unified Communications system.



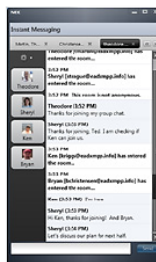
18. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.

	<p>Rich Presence Information</p> <p>UC Desktop Client enables you to determine the real-time status and availability of your colleagues with just a quick glance of your contact list. The Contact List uses intuitive status icons of different colors to indicate each contact's availability. The Contact List also shows colleagues your preferred method(s) of communication. If a contact is not logged in, on the phone, away from their desk, etc., you can set an alert to know when the person becomes available,</p>	<p>and click to call from the alert. Use compact mode to see even more contacts at a glance, or use the photo view to see user's pictures or avatars.</p> <p>In any view, the details panel displays additional methods and information about the contact. Search for colleagues based on their organization, title and skills to quickly find the people you need to get the job done. With the availability of presence information, advanced searches and alerts, your organization's responsiveness can be significantly increased. Additionally, federation enables users to view the real-time presence of others from external systems and exchange instant messages and group chat with them for quick and easy communication.</p>
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19. Upon information and belief, the following describes, at least in part, the NEC Unified Communications system.

Instant Messaging, Group Chat, Video and Collaboration for Efficient Communication

UC Desktop Client provides Instant Messaging for short, immediate communication with colleagues. Even if the person you need is not online, you can still leave an offline IM that they will receive the next time they log in.



In order to ensure compliance with best security practices, these messages are encrypted and stored on the UCE server with the other call events.

In addition, if you would like to speak directly with the person you are messaging, you can call them directly from the IM window with a single click. Need additional input from team members? Simply drag and drop them into your IM to transform to a group chat. Group chat becoming too lengthy? Escalate to a voice conference to discuss more complex ideas. Need to share material? Simply click on the Collaboration button to transform to a video/collaboration session.

Intuitive Call Control, Conference Management and Visual Voicemail

UC Desktop Client includes an easy-to-use graphical interface for call control with context-enabled icons, which enables any user to immediately take advantage of the benefits this solution offers. You can click to dial directly from your contact lists or automatically dial the appropriate number based upon the recipient's status. Additionally, you can highlight name/number in



any Microsoft Office application and see a contact's presence status and immediately initiate a call. With a click of the mouse, you can also launch a video/web conference plus escalate a group chat or audio conference to video using UC Collaboration (optional module). And best of all, the phone you use could be an NEC IP phone, a legacy TDM or analog phone, an integrated softphone, or even a standard SIP phone.

20. NEC has directly infringed and continues to directly infringe at least Claims 1, 3, 4, and 5 of the '194 Patent in this judicial district and elsewhere in Texas, 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 UNIVERGE 3C and UCE systems or equivalent operating with the UNIVERGE 3C UC Client and/or UC700

software, as well as service applications such as the UCE suite of applications, including instant messaging (IM), presence, voice calling, video calling, conference calling, and multimedia conference features, and supporting software and hardware such as access gateways, servers, and call control equipment.

21. NEC 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 UNIVERGE 3C and UCE systems. Uniloc reserves the right to discover and pursue all such additional infringement of the '194 Patent. For the avoidance of doubt, the NEC UNIVERGE 3C and UCE Unified Communications (UC) system is identified for exemplary purposes and in no way limits the discovery and infringement allegations against NEC concerning other hardware/software that incorporated the same or reasonably similar instant messaging and conference call functionality.

22. In addition, should NEC's products be found to not literally infringe the asserted claims of the '194 Patent, NEC's products would nevertheless infringe the asserted claims of the '194 Patent. More specifically, the NEC 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). NEC would thus be liable for direct infringement under the doctrine of equivalents.

23. NEC has indirectly infringed and continues to indirectly infringe at least Claims 1, 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 its

Unified Communications solutions, including without limitation those described above. NEC's enterprise clients, who purchase and use its Unified Communications solutions, and components thereof and operate such solutions and components in accordance with NEC's instructions directly infringe at least the above referenced claims of the '194 Patent in violation of 35 U.S.C. § 271. NEC 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:

<https://www.necam.com/docs/?id=d269c4a8-5d67-4b90-8fae-3efb2cefca98>

<https://www.necam.com/Docs/?id=b86a3cbb-612d-45b1-9a49-60fce62eff67>

<https://www.necam.com/Docs/?id=6ecc6e4d-f6f3-4b1f-8204-322fcbd0372f>

<https://www.necam.com/docs/?id=9000eec9-e9e0-4b68-95a9-183edd8334c0>

<https://www.necam.com/docs/?id=d5924fad-f942-4ac9-a03a-50efa58758bc>

<https://www.youtube.com/watch?v=aWjinIRLjxU>

https://www.youtube.com/watch?v=IPcCmzS_qko

<http://training.necam.com/ntc/site.nsf/public?Open&cb=1640102422&id=NTCD000001>

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

24. NEC has indirectly infringed and continues to indirectly infringe at least the claims identified above, by among other things, contributing to the direct infringement of others, including without limitation enterprise customers of its 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 patented 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.

25. For example, the NEC software module that allows its enterprise clients to initiate a conference call from an individual IM 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. NEC is thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C. §271(c).

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

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

PRAYER FOR RELIEF

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

- (A) that NEC has infringed the '194 Patent;
- (B) awarding Uniloc its damages suffered as a result of NEC's infringement of the '194 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining NEC, 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 '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: March 4, 2016

Respectfully submitted,

/s/ Craig Tadlock

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