

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and UNILOC
LUXEMBOURG S.A.,

Plaintiffs,

v.

LINE EURO-AMERICAS CORP. and LINE
CORP.,

Defendants.

Civil Action No. 2:16-cv-567

Jury Trial Demanded

**ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendants, Line Euro-Americas Corp. and Line Corp. (“Defendants”), 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 place 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 conference calling and messaging.

4. Upon information and belief, Line Euro-Americas Corp. is a Delaware corporation having a principal place of business at 5750 Wilshire Blvd., Suite 640, Los Angeles, CA 90036 and

offers its products, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Line Euro-Americas Corp. may be served with process through its registered agent: Yeong-Sae Kim, 3003 N. 1st St., San Jose, CA95134.

5. Upon information and belief, Line Euro-Americas Corp. is a subsidiary of Line Corp.

6. Upon information and belief, Line Corp. is a Japanese corporation having a principal place of business at 27F Shibuya Hikarie, 2-21-1 Shibuya, Shibuya-ku, Tokyo 150-8510 and offers its products, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas.

JURISDICTION AND VENUE

7. 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.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants are 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.

9. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to their substantial business in this State and judicial district, including: (A) at least part of their past infringing activities, (B) regularly doing or soliciting

business in Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

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

11. U.S. Patent No. 7,853,000 (“the ‘000 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL” issued on December 14, 2010. A true and correct copy of the ’000 Patent is attached as Exhibit B hereto. The ‘194 Patent and ‘000 Patents are collectively referred to as the “Patents-in-Suit.”

12. The Patent-in-Suit are part of patent family that has been referenced by hundreds of other patent applications including patents applications by Microsoft Corporation; Yahoo! Inc.; Cisco Technology, Inc.; Sprint Communications Company L.P.; Research In Motion Limited; International Business Machines Corporation; AT&T Intellectual Property I, L.P.; Qualcomm Incorporated; Verizon Patent And Licensing Inc.; T-Mobile USA, Inc.; LG Electronics Inc.; Huawei Technologies Co., Ltd.; and Telefonaktiebolaget L M Ericsson.

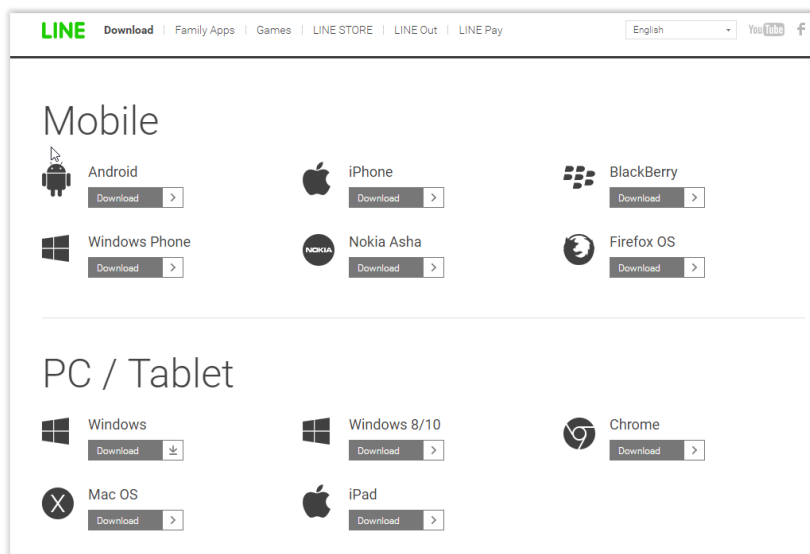
COUNT I

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

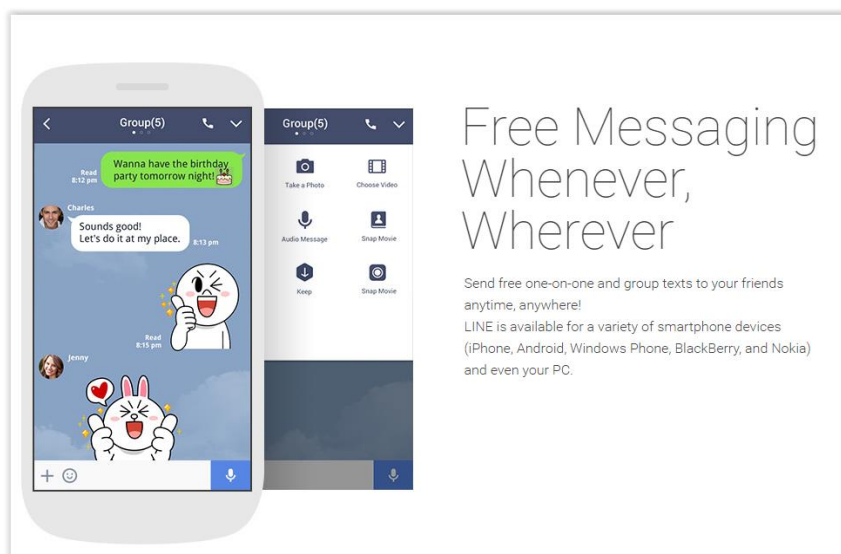
13. Uniloc incorporates the preceding paragraphs herein by reference.
14. Uniloc Luxembourg is the owner, by assignment, of the ‘194 Patent.
15. Uniloc USA is the exclusive licensee of the ’194 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce,

sue and recover past damages for the infringement thereof.

16. Defendants have marketed and currently market a voice and messaging application under the name “LINE” which can be downloaded to a device from links provided at <http://line.me/en/download>:

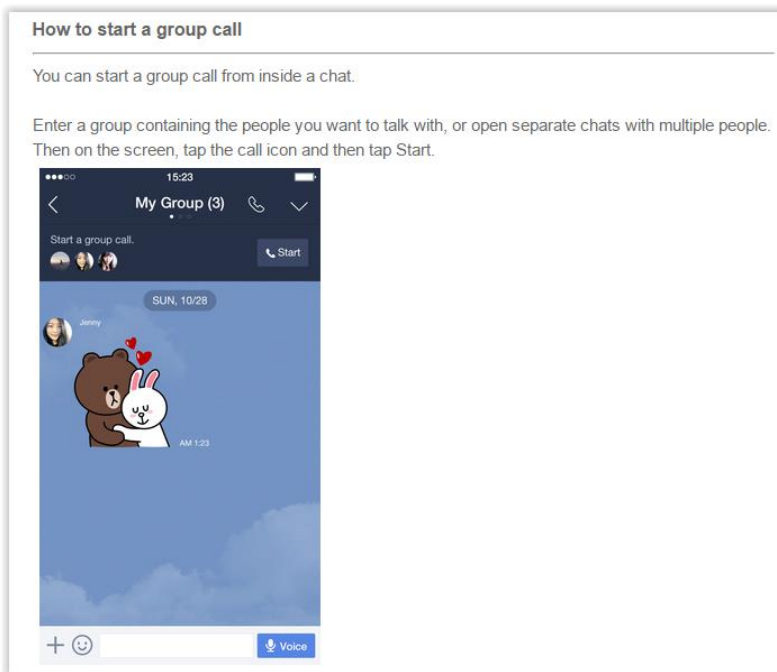


17. Upon information and belief, the following describes, at least in part, how Defendants’ voice and messaging application works:



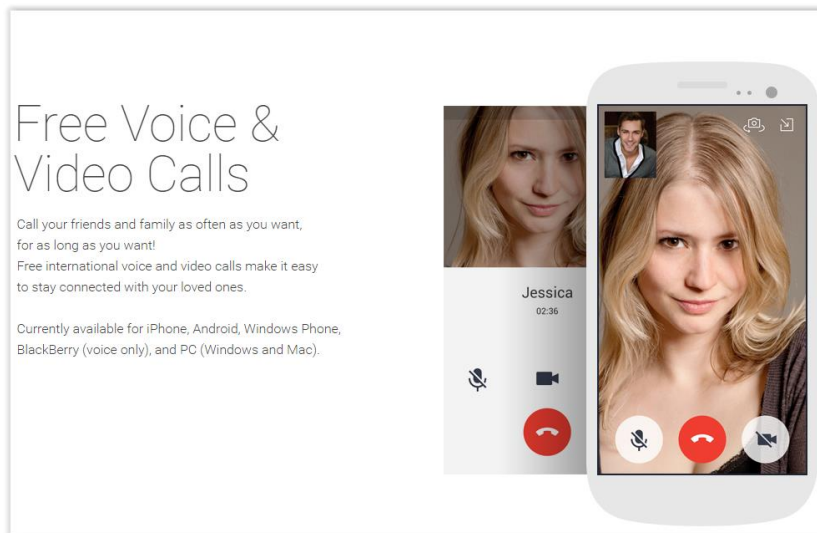
Source: <http://line.me/en-US/>

18. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



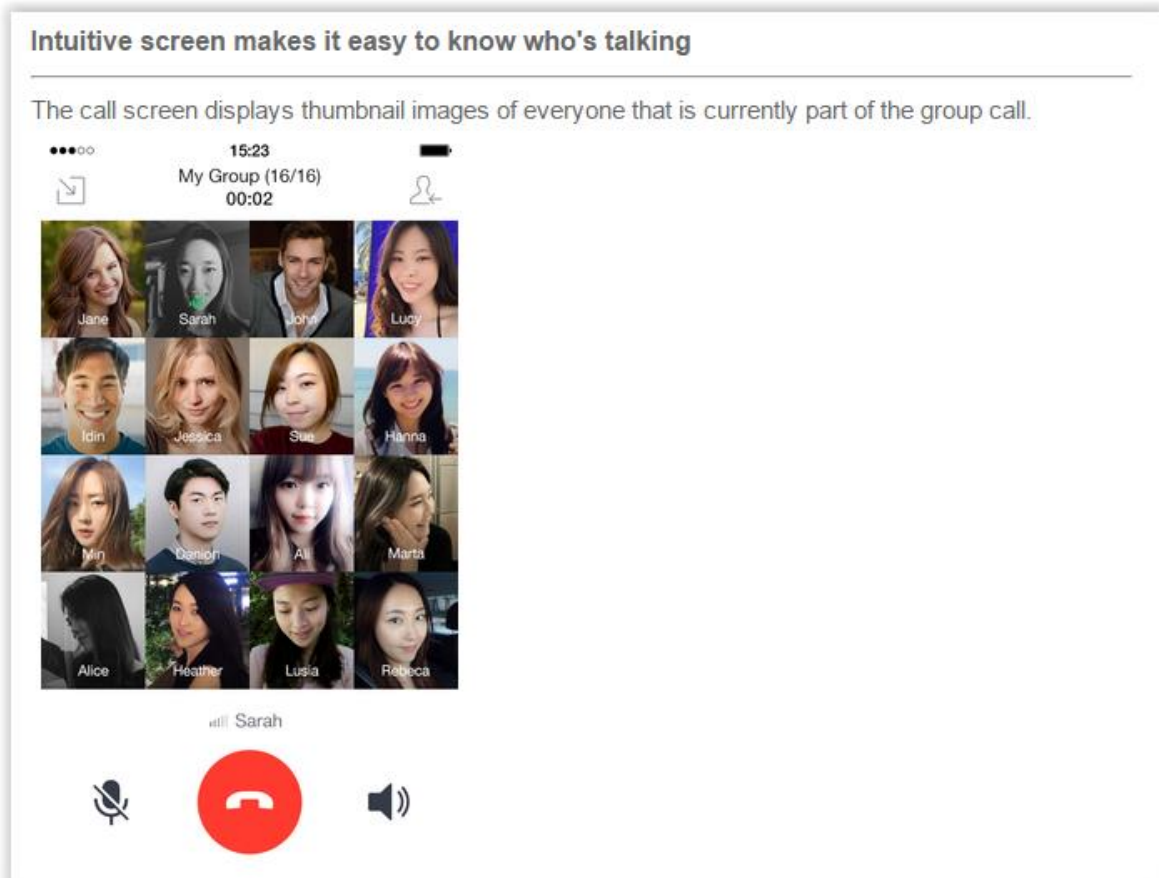
Source: <http://line.me/en-US/>

19. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



Source: <http://line.me/en-US/>

20. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

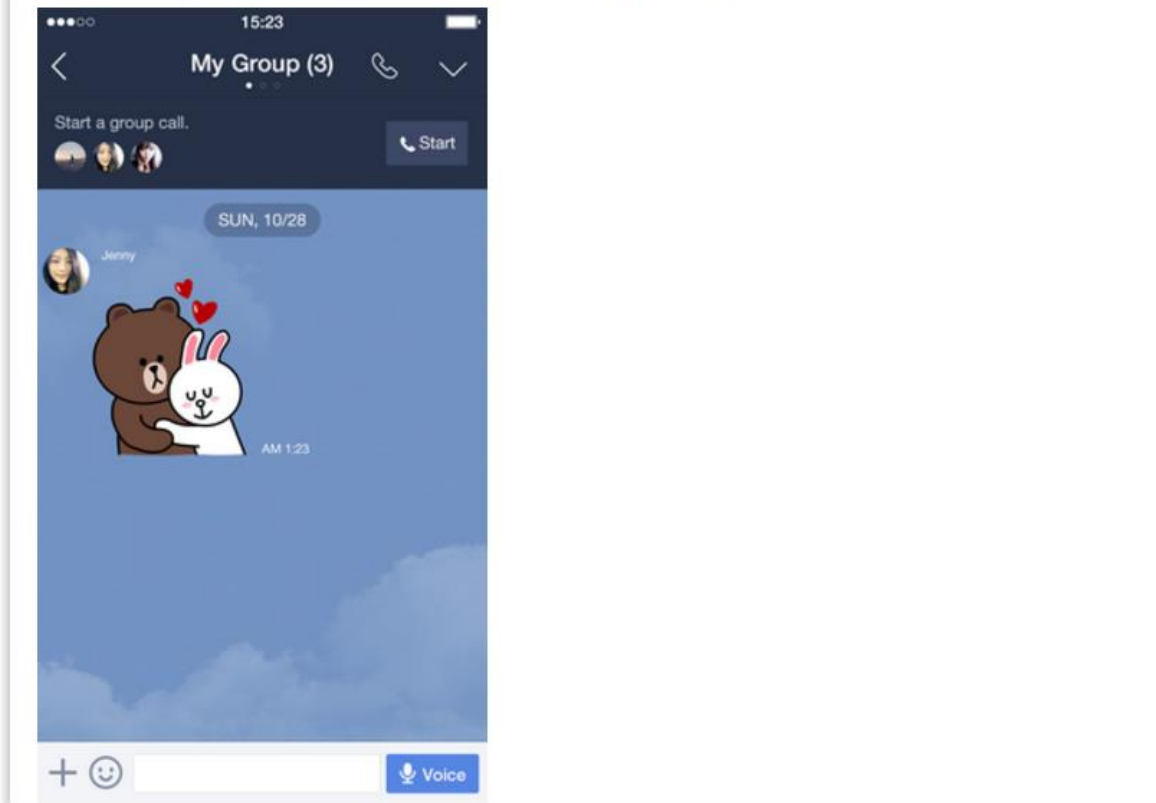


Source: <http://official-blog.line.me/en/archives/1053710033.html>

21. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

You can start a group call from inside a chat.

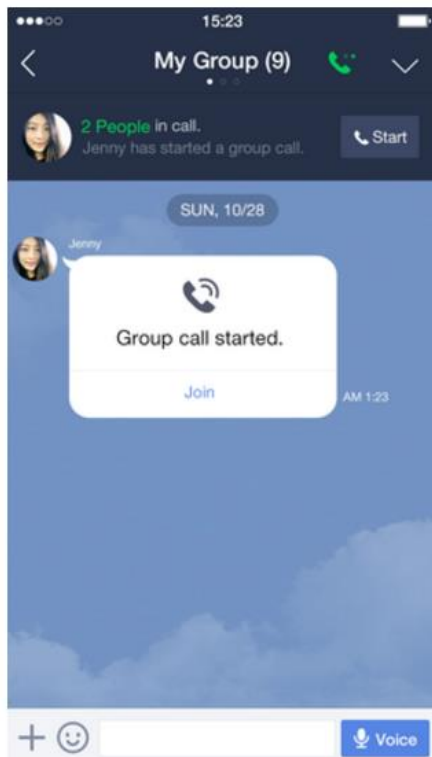
Enter a group containing the people you want to talk with, or open separate chats with multiple people. Then on the screen, tap the call icon and then tap Start.



Source: <http://official-blog.line.me/en/archives/1053710033.html>

22. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

The people in the chat will see a notification on screen. To join the group call, that person simply taps the Join button!

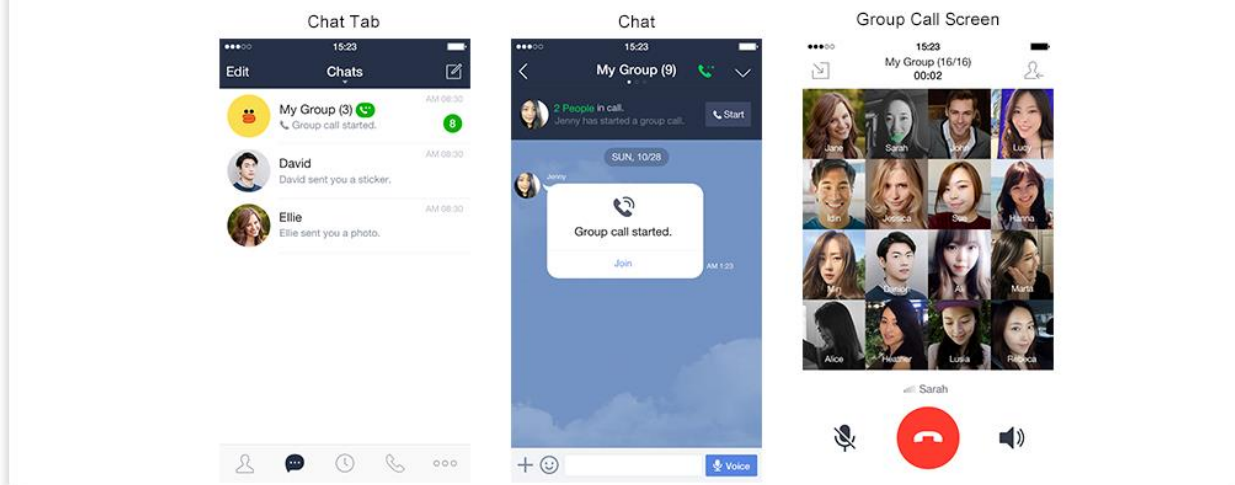


Source: <http://official-blog.line.me/en/archives/1053710033.html>

23. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

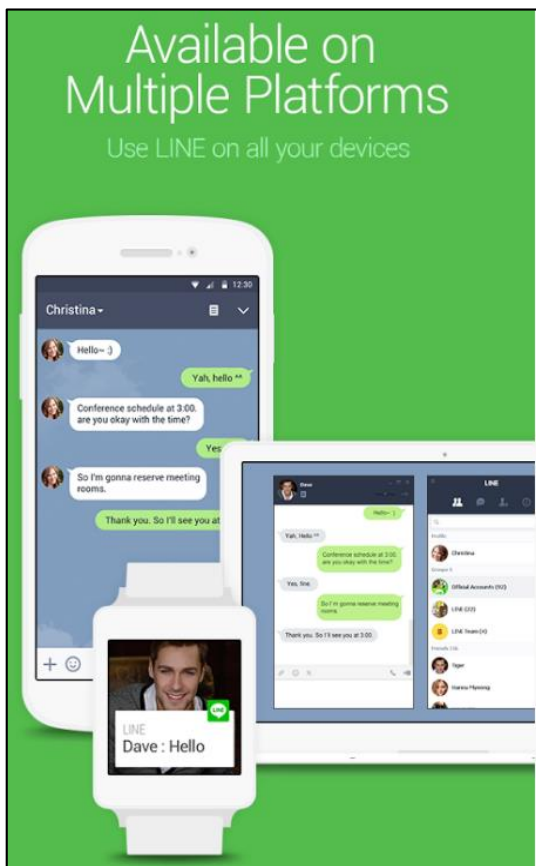
The feature offers free voice chats with up to 200 people. Calls can be initiated from within group chats or multiple person chats, and a notification message will be sent to all of the users participating in the chat. The number of people currently participating in the call can also be confirmed from within the chat. An icon is displayed above the user icon of the person currently speaking at the time, enabling users to easily communicate with each other.*2

*2: The latest version of LINE (5.11) is required to participate in group calls. Users with an older version of the app will receive a notification to update to the latest version.



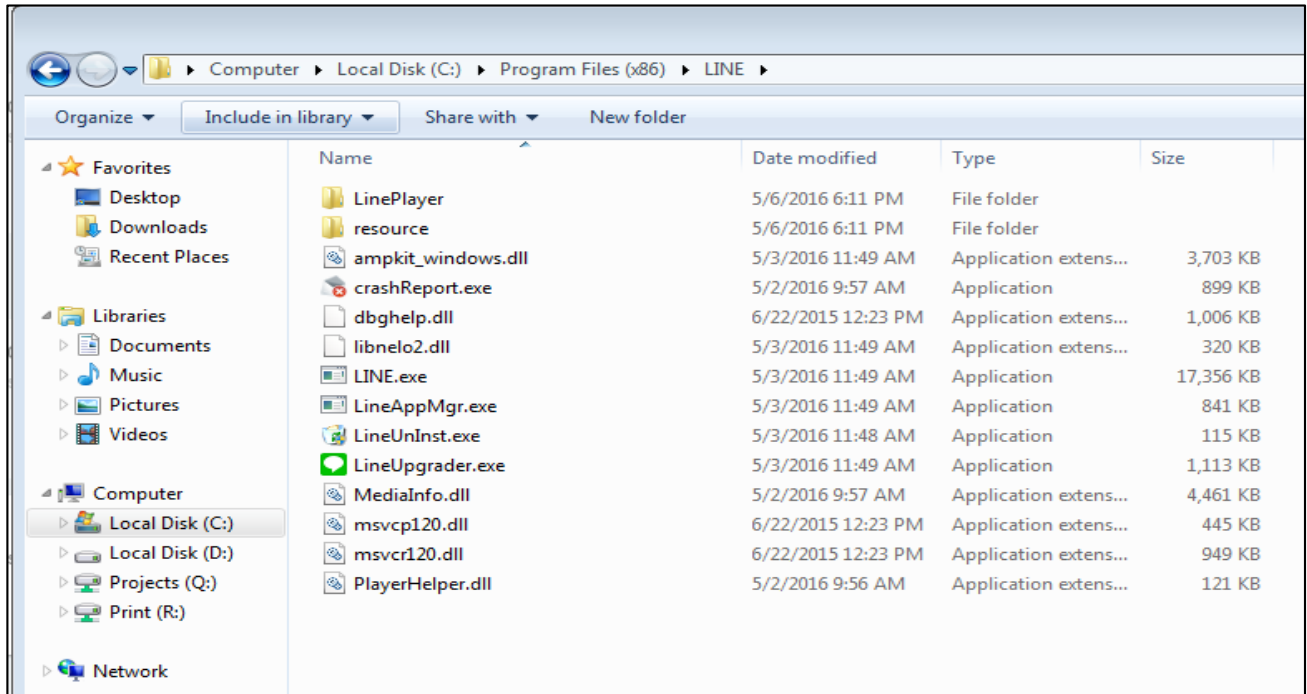
Source: <https://linecorp.com/en/pr/news/en/2016/1268>

24. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

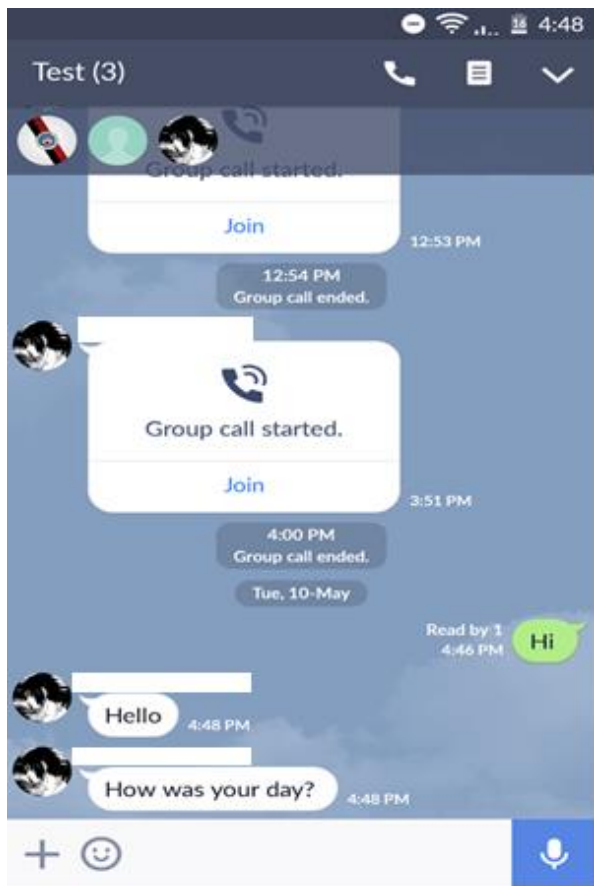


Source: <https://play.google.com/store/apps/details?id=jp.naver.line.android&hl=en>

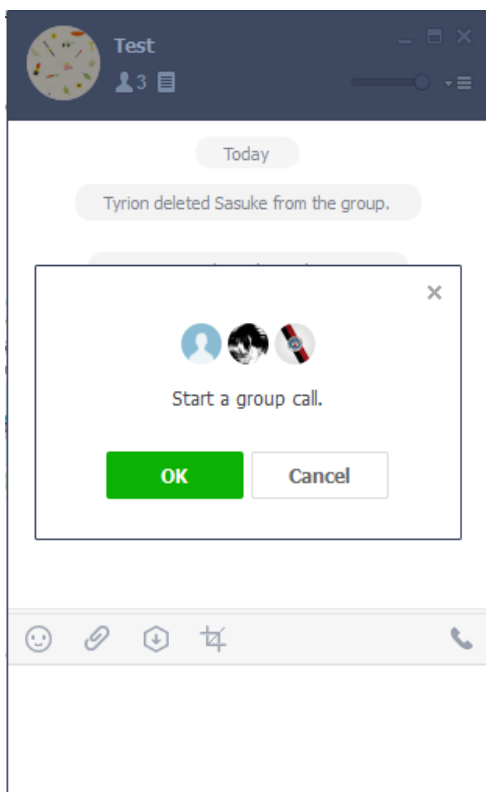
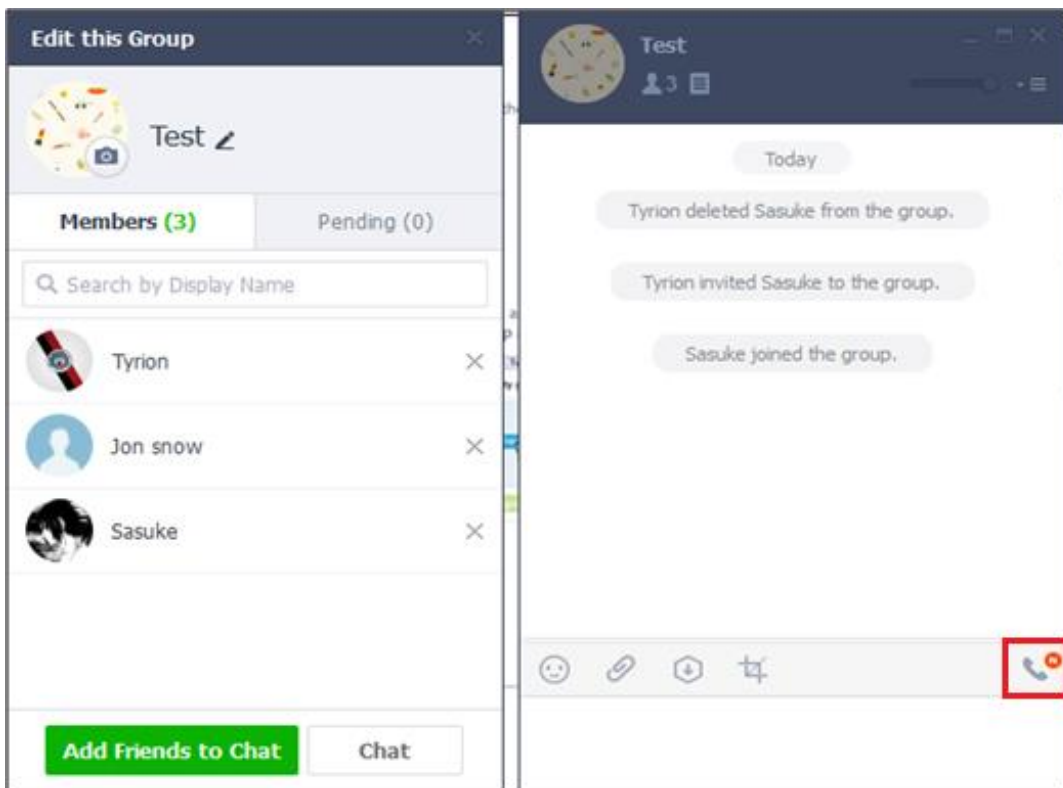
25. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:











26. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



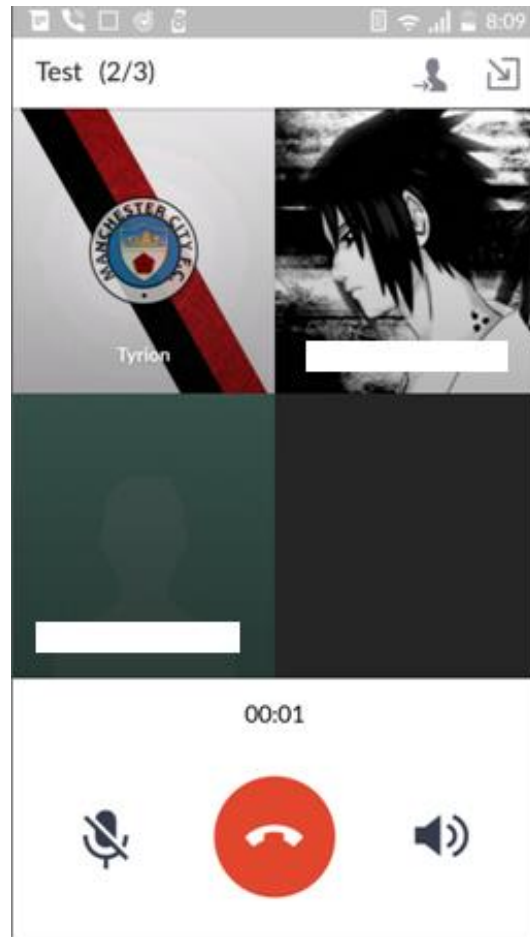
27. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



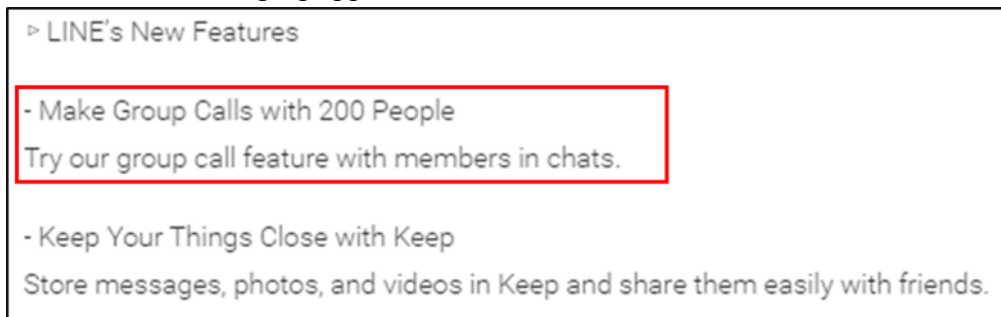
28. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

NoRoot Firewall		
APPS	GLOBAL FILTERS	ACCESS LOG
		
	107.23.42.135:443 ec2-107-23-42-135.compute-1.amazonaws.com	
	Google Account Manager,Google Backup Transport,Google Play services,Google Services Framework 216.58.211.74:443 par03s14-in-f74.1e100.net	05-09 12:54
	UC Browser 210.22.60.224:80	05-09 12:54
	Manga Rock 54.86.217.103:80 ec2-54-86-217-103.compute-1.amazonaws.com	05-09 12:54
	LINE 203.104.174.14:443	05-09 12:54 Allowed
	WhatsApp 108.168.180.124:80 7c.b4.a86c.ip4.static.sl-reverse.com	05-09 12:54
	WhatsApp 172.217.18.238:80 par10s10-in-f14.1e100.net	05-09 12:54
	Inbox 172.217.18.229:443 par10s10-in-f5.1e100.net	05-09 12:54

29. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



30. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:



Source: <https://play.google.com/store/apps/details?id=jp.naver.line.android&hl=en>

31. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

LINE provides free messenger and VoIP services on 3G and Wi-Fi networks. Users do not have to pay for these services. We also offer optional paid services such as some stickers and Coins.

As with any other apps, you may be charged a 3G usage fee by your mobile phone company if you do not subscribe to an unlimited data plan, or if you exceed the data usage limit of your plan.

- Depending on your current plan, you may not be able to use the VoIP service for free. Please contact your network carrier for more information.

We hope you enjoy using LINE!

Source: <https://help.line.me/line/ipad/categoryId/10001117/pc?lang=en>

32. Upon information and belief, the following describes, at least in part, how Defendants' voice and messaging application works:

What are the [Read] signs? Do the times shown tell us when the message was read? 

The Read signs indicate that the person has seen your message.
In group chat-rooms, the signs will be shown as **Read by 2** etc., showing the number of people who have seen your message within the group.

Depending upon the other person's device, the Read signs may be shown when the person has received notification of your message, and therefore it does not necessarily mean that the person has read your message.

The times displayed indicate the time you sent the messages.
It is not the time the other person viewed the message.

Source: <https://help.line.me/line/winphone/categoryId/10000336/pc?lang=en>

33. Defendants have directly infringed, and continue to directly infringe one or more claims of the '194 Patent in this judicial district and elsewhere in Texas, including at least Claims 1-16 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling their voice and messaging application during the pendency of the

'194 Patent which *inter alia* comprises instructions for displaying an instant message chat window, exchanging instant messages between two or more parties, displaying an indication of whether parties are connected to said instant message session, and automatically initiating an audio/video call between the participants.

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

35. Defendants may have infringed the '194 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging application. Uniloc reserves the right to discover and pursue all such additional infringing software.

36. Defendants have indirectly infringed and continues to indirectly infringe at least claims 1-16 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, and/or importation of Defendants' messaging software. Defendants' customers who use such software in accordance with Defendants' instructions directly infringe one or more of the above identified claims of the '194 Patent in violation of 35 U.S.C. § 271.

37. Defendants instruct their customers in the use of their messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

<http://line.me/en-US/>
<http://help.line.me/>

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

24. Defendants have indirectly infringed and continues to indirectly infringe at least claims 1-16 of the '194 Patent, by among other things, contributing to the direct infringement by others, including without limitation users of their messaging software, by making, using, offering to sell, or selling, in the United States, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the 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.

25. For example, the Defendants' messaging software module which allows users to initiate a call from an 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, Defendants are liable for infringement pursuant to 35 U.S.C. § 271(c).

26. Defendants will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, Defendants will thus have known and intended (since receiving such notice) that their continued actions would actively induce and contribute to actual

infringement of at least claims 1-16 of the '194 Patent.

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

COUNT II

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

28. Uniloc incorporates the preceding paragraphs herein by reference.

29. Uniloc Luxembourg is the owner, by assignment, of the '000 Patent.

30. 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.

31. Defendants have directly infringed, and continues to directly infringe one or more claims of the '000 Patent in this judicial district and elsewhere in Texas, including at least claims 1-8, 12, 18, and 20-23 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling devices with their voice and messaging application during the pendency of the '000 Patent which *inter alia* comprises instructions for indicating a plurality of potential targets then being connected to an instant messaging service and participating in a given instant messaging session with a conference call requester and generating a conference call request responsively to a single request by the conference call requester where a conference call is automatically established.

32. In addition, should Defendants' voice and messaging application be found to not literally infringe the asserted claims of the '000 Patent, Defendants' accused products would nevertheless infringe the asserted claims of the '000 Patent. More specifically, the accused voice

and messaging application performs substantially the same function (implementing an IM to voice/video call capability), in substantially the same way (through instructions) to yield substantially the same result (effecting an instant message to voice/video call). Defendants would thus be liable for direct infringement under the doctrine of equivalents.

33. Defendants may have infringed the '000 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging application. Uniloc reserves the right to discover and pursue all such additional infringing software.

34. Defendants have indirectly infringed and continues to indirectly infringe at least claims 1-8, 12, 18, and 20-23 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, and/or importation of Defendants' messaging software. Defendants' customers who use such devices and software in accordance with Defendant's instructions directly infringe one or more of the above identified claims of the '000 Patent in violation of 35 U.S.C. § 271.

35. Defendants instruct their customers in the use of their messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides. Defendants are thereby liable for infringement of the '000 Patent pursuant to 35 U.S.C. § 271(b).

36. Defendants have indirectly infringed and continues to indirectly infringe at least claims 1-8, 12, 18, and 20-23 of the '000 Patent, by among other things, contributing to the direct infringement by others, including without limitation users of their messaging software, by making, using, offering to sell, or selling, in the United States, and/or importing a component of a patented

machine, manufacture, or combination, or an apparatus for use in the 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.

37. For example, the Defendants' messaging software module allow users to initiate a call from an 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, Defendants are liable for infringement pursuant to 35 U.S.C. § 271(c).

38. Defendants will have been on notice of the '000 Patent since, at the latest, the service of this complaint. By the time of trial, Defendants will thus have known and intended (since receiving such notice), that their continued actions would actively induce and contribute to actual infringement of at least claims 1-8, 12, 18, and 20-23 of the '000 Patent.

39. Uniloc has been damaged, reparably and irreparably, by Defendants' infringement of the '000 Patent and such damage will continue unless and until Defendants are enjoined.

JURY DEMAND

40. 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 Defendant, and that the Court grant Uniloc the following relief:

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

Dated: May 28, 2016

Respectfully submitted,

/s/ James L. Etheridge

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***Counsel for Plaintiffs Uniloc USA, Inc. and Uniloc
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