

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

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 2:16-cv-860
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
BOX, INC.,	§	
	§	
Defendant.	§	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 defendant, Box, Inc. (“Box”), 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, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of application management in a computer network.

4. Upon information and belief, Box is a Delaware corporation having a principal place of business in Redwood City, California and offering 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. Box may be served with process through its registered agent: Corporation Service Company, 1560 Broadway, Suite 2090, Denver, Colorado 80202-5180.

**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, Box 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. Box 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, (B) according to its March 2016 Form 10-K, regularly doing or soliciting business in Austin, 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. 6,324,578)

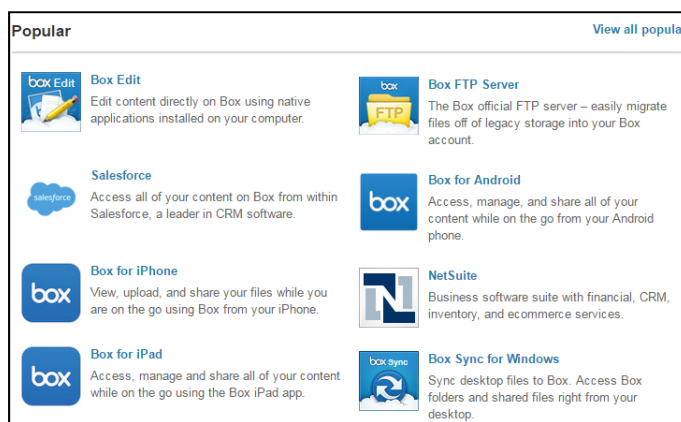
8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,324,578 (“the ’578 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON

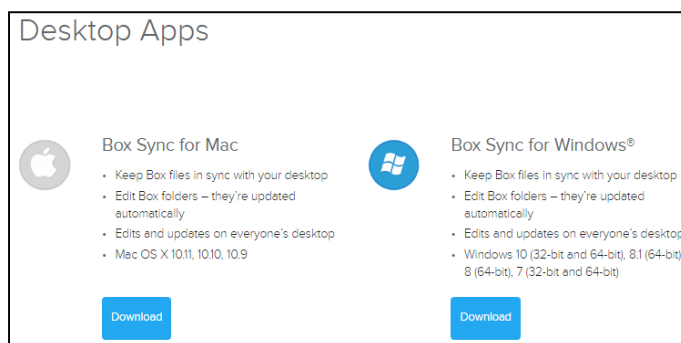
A NETWORK that issued on November 27, 2001. A true and correct copy of the '578 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '578 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.

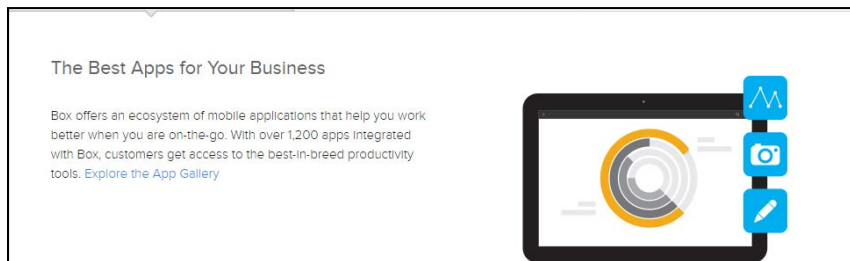
11. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



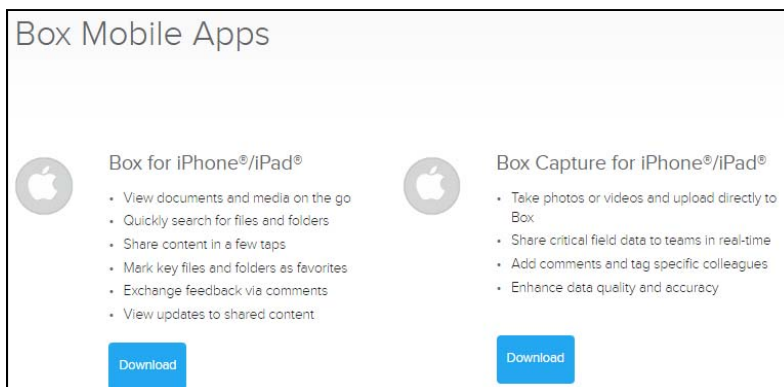
12. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



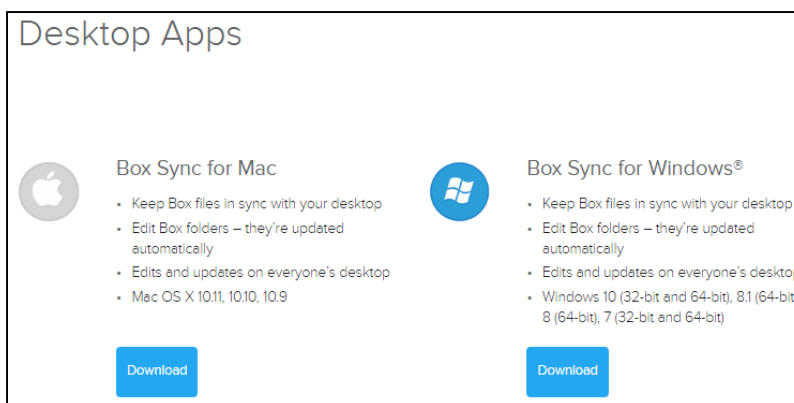
13. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



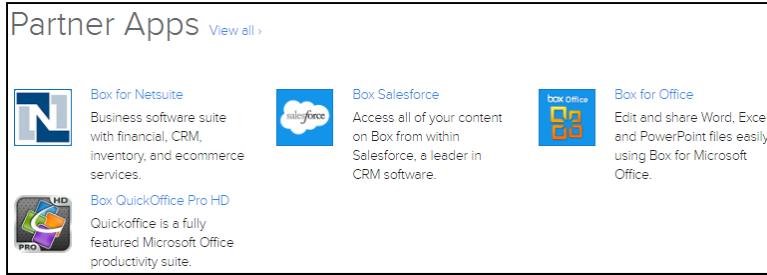
14. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



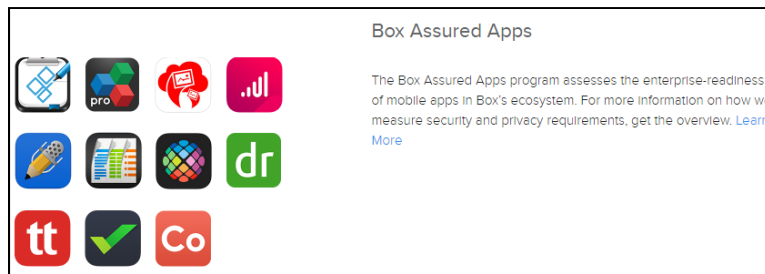
15. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



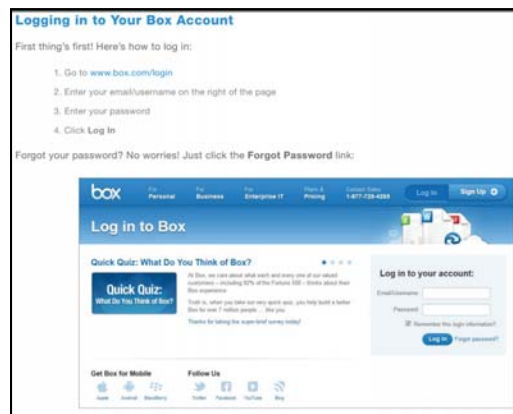
16. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



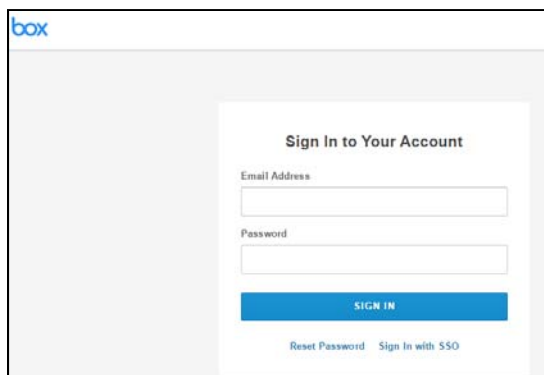
17. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



18. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



19. Upon information and belief, the following describes, at least in part, Box's login process:

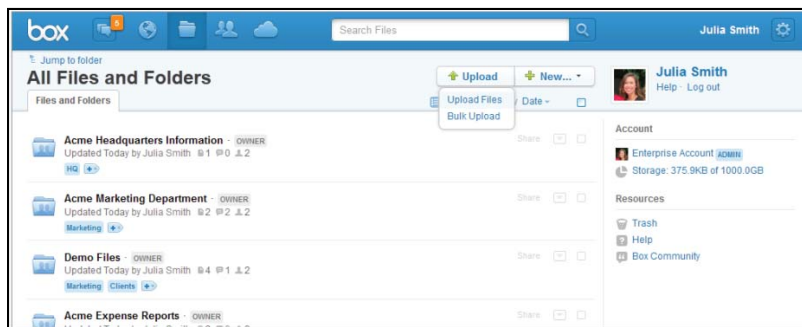


20. Upon information and belief, the following describes, at least in part, Box's Server Farms:

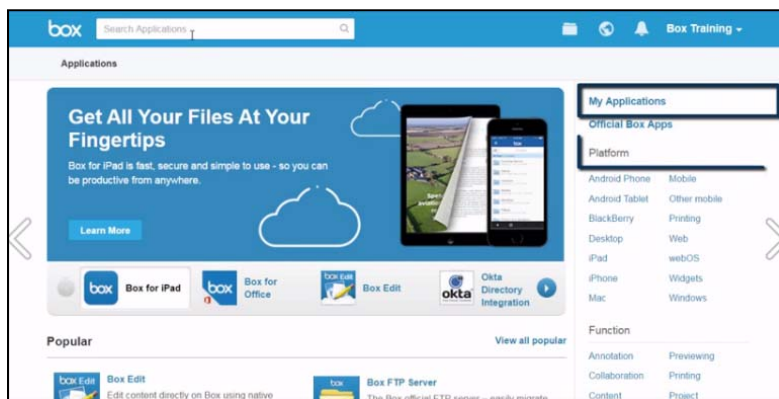
**"Box" Server Farms**

- Box.com uses a mixture of Amazon Web Services' "EC2" virtual cloud servers combined with their own servers in 10 leased data centers
- Their leased data centers are located in  
Palo Alto, California  
Portland, Oregon  
Chicago, Illinois  
New York state  
Sao Paulo, Brazil  
Amsterdam, Netherlands  
Tokyo, Japan  
Singapore  
Sydney, Australia

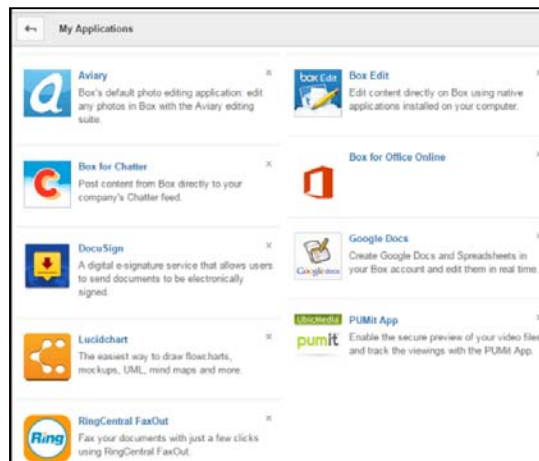
21. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



22. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



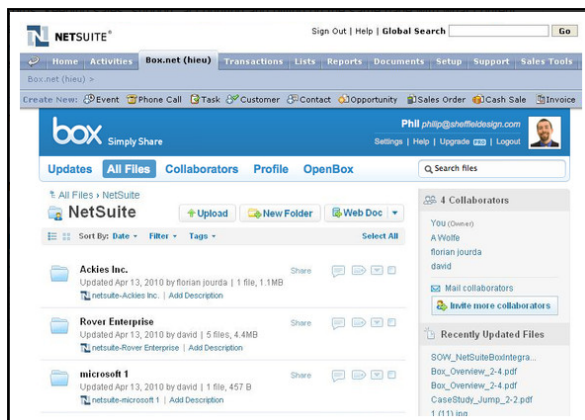
23. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



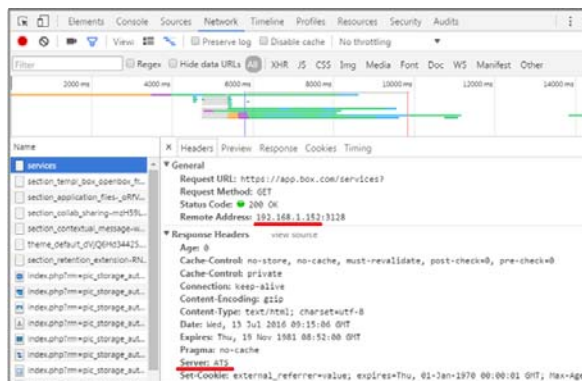
24. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



25. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:

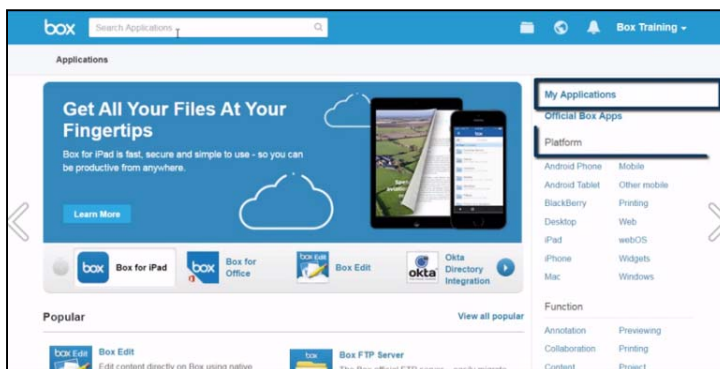


26. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:

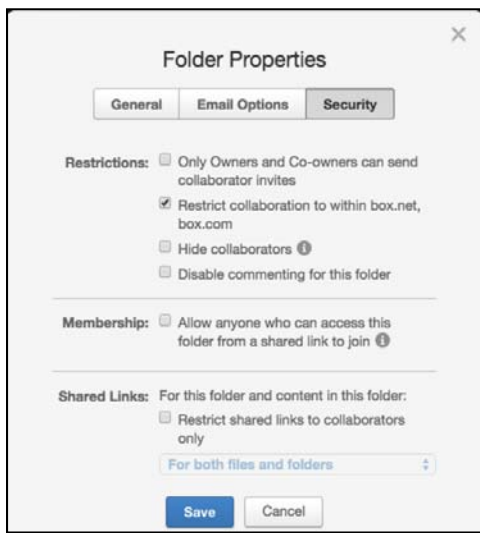




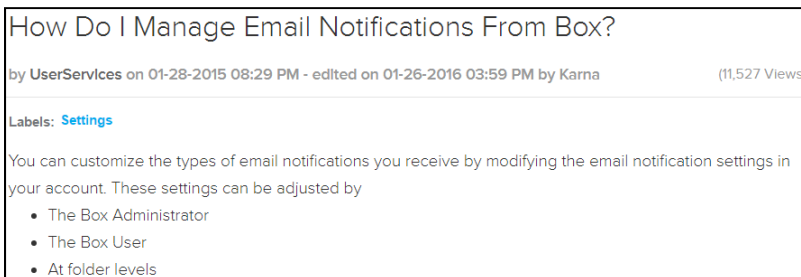
27. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



28. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



29. Upon information and belief, the following describes, at least in part, how the Box content management and collaboration system works:



30. Box has directly infringed, and continues to directly infringe one or more claims of the '578 Patent in this judicial district and elsewhere in Texas, including at least claims 1-46 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Box content management and collaboration system during the pendency of the '578 Patent which software and associated backend server architecture *inter alia* allows for installing application programs having a plurality of configurable preferences and authorized users on a network, distributing an application launcher program to a user, the user obtaining a set of configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

31. In addition, should the Box content management and collaboration system be found to not literally infringe the asserted claims of the '578 Patent, the product would nevertheless infringe the asserted claims of the '578 Patent. More specifically, the accused system performs substantially the same function (making computer programs available for digital download/management by an authorized user), in substantially the same way (via a launcher program in a client/server environment), to yield substantially the same result (distributing application programs in response to a request from one or more users on a network). Box would thus be liable for direct infringement under the doctrine of equivalents.

32. Box has indirectly infringed and continues to indirectly infringe at least claims 1-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Box content management and collaboration system. Box's customers who use the Box content management and collaboration system in accordance with Box's instructions directly infringe one or more of

the forgoing claims of the '578 Patent in violation of 35 U.S.C. § 271. Box directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- [www.box.com](http://www.box.com)
- <https://app.box.com>
- <https://account.box.com>
- [www.youtube.com](http://www.youtube.com)

Box is thereby liable for infringement of the '578 Patent under 35 U.S.C. § 271(b).

33. Box has indirectly infringed and continues to indirectly infringe at least claims 1-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Box content management and collaboration system, by making, offering to sell, selling and/or importing into the United States, 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 infringing the '578 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

34. For example, the Box content management and collaboration system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Box content management and collaboration system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Box is, therefore, liable for infringement under 35 U.S.C. § 271(c).

35. Box will have been on notice of the '578 Patent since, at the latest, the service of this complaint upon Box. By the time of trial, Box will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-46 of the '578 Patent.

36. Box may have infringed the '578 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its content management and collaboration system. Uniloc reserves the right to discover and pursue all such additional infringing software.

37. Uniloc has been damaged, reparably and irreparably, by Box's infringement of the '578 Patent and such damage will continue unless and until Box is enjoined.

**COUNT II**  
(INFRINGEMENT OF U.S. PATENT NO. 7,069,293)

38. Uniloc incorporates paragraphs 1-37 above by reference.

39. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,069,293 ("the '293 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR DISTRIBUTION OF APPLICATION PROGRAMS TO A TARGET STATION ON A NETWORK that issued on June 27, 2006. A true and correct copy of the '293 Patent is attached as Exhibit B hereto.

40. Uniloc USA is the exclusive licensee of the '293 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.

41. Box has directly infringed, and continues to directly infringe one or more claims of the '293 Patent in this judicial district and elsewhere in Texas, including at least claims 1, 6-7, 12, 15-17 and 20-21 literally and/or under the doctrine of equivalents, by or through making,

using, importing, offering for sale and/or selling the Box content management and collaboration system during the pendency of the '293 Patent which software and associated backend server architecture *inter alia* allows for installing application programs having a plurality of configurable preferences and authorized users on a network, distributing an application launcher program to a user, the user obtaining a set of configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

42. In addition, should the Box content management and collaboration system be found to not literally infringe the asserted claims of the '293 Patent, the product would nevertheless infringe the asserted claims of the '293 Patent. More specifically, the accused system performs substantially the same function (distributing application programs to a target on-demand server on a network), in substantially the same way (via a client/server environment to target on-demand users), to yield substantially the same result (making application programs available for use by target on-demand users). Box would thus be liable for direct infringement under the doctrine of equivalents.

43. Box has indirectly infringed and continues to indirectly infringe at least claims 1, 6-7, 12, 15-17 and 20-21 of the '293 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Box content management and collaboration system. Box's customers who use the Box content management and collaboration system in accordance with Box's instructions directly infringe one or more of the forgoing claims of the '293 Patent in violation of 35 U.S.C. § 271. Box directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- [www.box.com](http://www.box.com)
- <https://app.box.com>
- <https://account.box.com>
- [www.youtube.com](http://www.youtube.com)

Box is thereby liable for infringement of the '293 Patent under 35 U.S.C. § 271(b).

44. Box has indirectly infringed and continues to indirectly infringe at least claims 1, 6-7, 12, 15-17 and 20-21 of the '293 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Box content management and collaboration system, by making, offering to sell, selling and/or importing into the United States, 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 infringing the '293 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

45. For example, the Box content management and collaboration system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Box content management and collaboration system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Box is, therefore, liable for infringement under 35 U.S.C. § 271(c).

46. Box will have been on notice of the '293 Patent since, at the latest, the service of this complaint upon Box. By the time of trial, Box will have known and intended (since

receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1, 6-7, 12, 15-17 and 20-21 of the '293 Patent.

47. Box may have infringed the '293 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its content management and collaboration system. Uniloc reserves the right to discover and pursue all such additional infringing software.

48. Uniloc has been damaged, reparably and irreparably, by Box's infringement of the '293 Patent and such damage will continue unless and until Box is enjoined.

**COUNT III**  
(INFRINGEMENT OF U.S. PATENT NO. 6,510,466)

49. Uniloc incorporates paragraphs 1-48 above by reference.

50. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,510,466 ("the '466 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A NETWORK that issued on January 21, 2003. A true and correct copy of the '466 Patent is attached as Exhibit C hereto.

51. Uniloc USA is the exclusive licensee of the '466 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.

52. Box has directly infringed, and continues to directly infringe one or more claims of the '466 Patent in this judicial district and elsewhere in Texas, including at least claims 1-5, 7-9, 15-20, 22-24, 27, 30-33, 35-37 and 40 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Box content management and collaboration system during the pendency of the '466 Patent which software and associated

backend server architecture *inter alia* allows for installing application programs having a plurality of configurable preferences and authorized users on a network, distributing an application launcher program to a user, the user obtaining a set of configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

53. In addition, should the Box content management and collaboration system be found to not literally infringe the asserted claims of the '466 Patent, the product would nevertheless infringe the asserted claims of the '466 Patent. More specifically, the accused system performs substantially the same function (making computer games/software available for digital download/management), in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized games/software to a client for execution). Box would thus be liable for direct infringement under the doctrine of equivalents.

54. Box has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-9, 15-20, 22-24, 27, 30-33, 35-37 and 40 of the '466 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Box content management and collaboration system. Box's customers who use the Box content management and collaboration system in accordance with Box's instructions directly infringe one or more of the forgoing claims of the '466 Patent in violation of 35 U.S.C. § 271. Box directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- [www.box.com](http://www.box.com)



- <https://app.box.com>
- <https://account.box.com>
- [www.youtube.com](http://www.youtube.com)

Box is thereby liable for infringement of the '466 Patent under 35 U.S.C. § 271(b).

55. Box has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-9, 15-20, 22-24, 27, 30-33, 35-37 and 40 of the '466 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Box content management and collaboration system, by making, offering to sell, selling and/or importing into the United States, 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 infringing the '466 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

56. For example, the Box content management and collaboration system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Box content management and collaboration system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Box is, therefore, liable for infringement under 35 U.S.C. § 271(c).

57. Box will have been on notice of the '466 Patent since, at the latest, the service of this complaint upon Box. By the time of trial, Box will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the

infringement of one or more of claims 1-5, 7-9, 15-20, 22-24, 27, 30-33, 35-37 and 40 of the '466 Patent.

58. Box may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its content management and collaboration system. Uniloc reserves the right to discover and pursue all such additional infringing software.

59. Uniloc has been damaged, reparably and irreparably, by Box's infringement of the '466 Patent and such damage will continue unless and until Box is enjoined.

#### **PRAYER FOR RELIEF**

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

- (A) that Box has infringed the '578 Patent, the '293 Patent and the '466 Patent;
- (B) awarding Uniloc its damages suffered as a result of Box's infringement of the '578 Patent, the '293 Patent and the '466 Patent;
- (C) enjoining Box, 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 '578 Patent, the '293 Patent and the '466 Patent;
- (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: August 2, 2016

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock

Texas State Bar No. 00791766

Keith Smiley

Texas State Bar No. 24067869

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Kevin Gannon

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**ATTORNEYS FOR THE PLAINTIFFS**