

**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. 2:17-cv-00284
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
RIOT GAMES, INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their first amended complaint against defendant, Riot Games, Inc. (“Riot Games”), allege as follows:

THE PARTIES

2. 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.

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

4. Upon information and belief, Riot Games, Inc. is a Delaware corporation having a place of business in 12333 W Olympic Blvd, Los Angeles CA 90064 and offering its products and/or services, including those accused herein of infringement, for purchase or download to customers and/or potential

customers located in Texas and in the judicial Eastern District of Texas. Riot Games, Inc. may be served with process through its registered agent: CT Corp 818 West Seventh St. Ste 930 Los Angeles, CA 90017.

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). This Court has personal jurisdiction over Riot Games, in part, because Riot Games provides infringing online services to subscribers who reside in this district. Upon information and belief, Riot Games 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. Riot Games 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) 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.

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

8. Uniloc incorporates by reference the preceding paragraphs.

9. 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

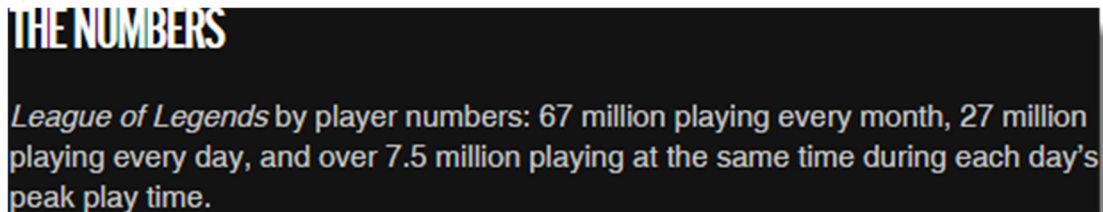
January 21, 2003. A true and correct copy of the '466 Patent is attached as Exhibit A hereto.

10. 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.

11. The '466 Patent has been referenced by over four hundred other patent applications/patents including patents applications/patents by IBM, HP, Network Associates, Microsoft, Fujitsu, Alcatel, SAP, AT&T, Citrix, Sharp, Computer Associates, Oracle, Google, and Intel.

12. Riot Games provides a platform called "League of Legends," which includes client software and server software that services such client software. Riot Games refers to these as "Riot Services." Riot Games system operates as a software licensing and delivery system:


13. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates (unless otherwise noted, Riot Games is the source for each graphic in this complaint):



Source: <http://www.riotgames.com/our-games>

14. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:

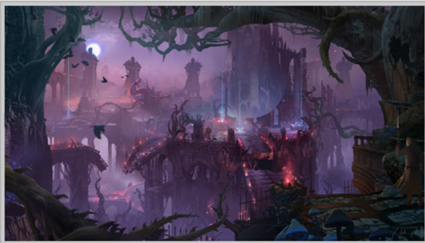
Classic

A screenshot of the Summoner's Rift map in League of Legends, showing the three lanes and the central jungle area with a blue portal in the center.

Summoner's Rift

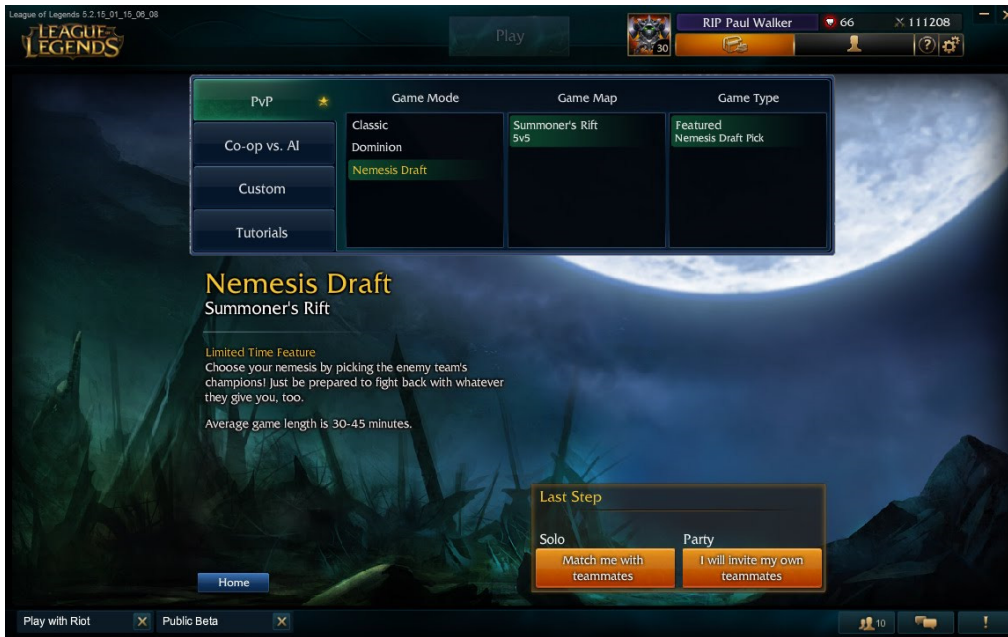
League of Legends' flagship Field of Justice, Summoner's Rift, remains the battleground of choice for the majority of players. Two teams of five champions battle across three lanes and an expansive jungle that holds powerful buffs and major neutral objectives. An extended laning phase and large-scale team fights are characteristic of this battlefield.

[Learn More](#)

A screenshot of the Twisted Treeline map in League of Legends, showing a dark, forested environment with two lanes and a central jungle area.A screenshot of the Howling Abyss map in League of Legends, showing a dark, industrial-looking environment with a single lane and a central area.

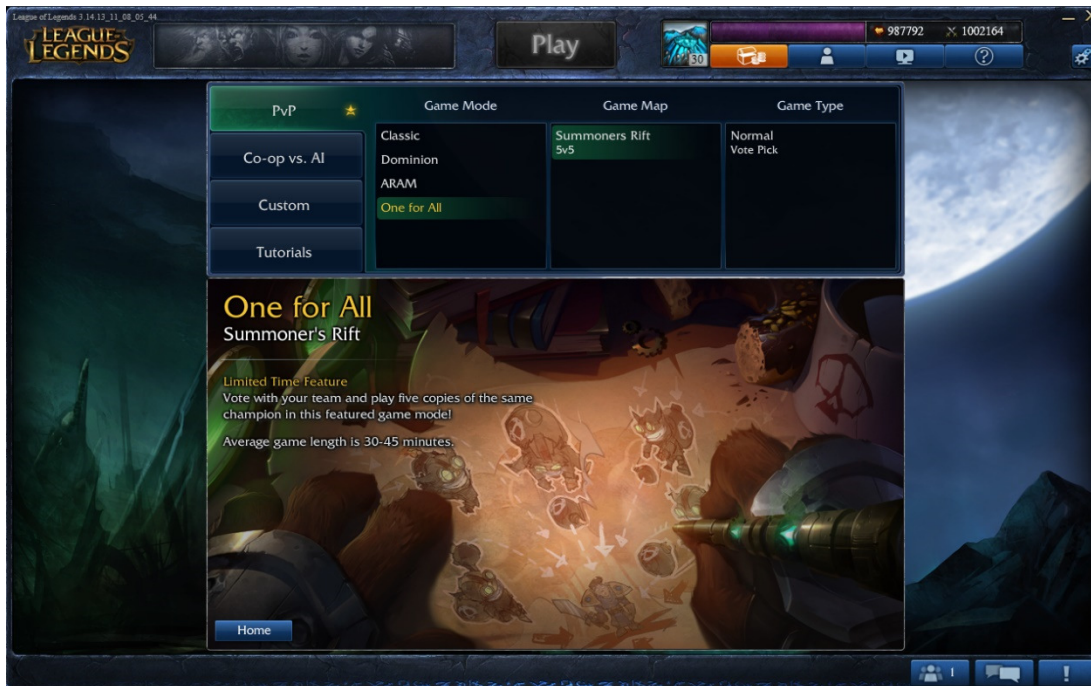
Source: <http://gameinfo.na.leagueoflegends.com/en/game-info/>

15. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:



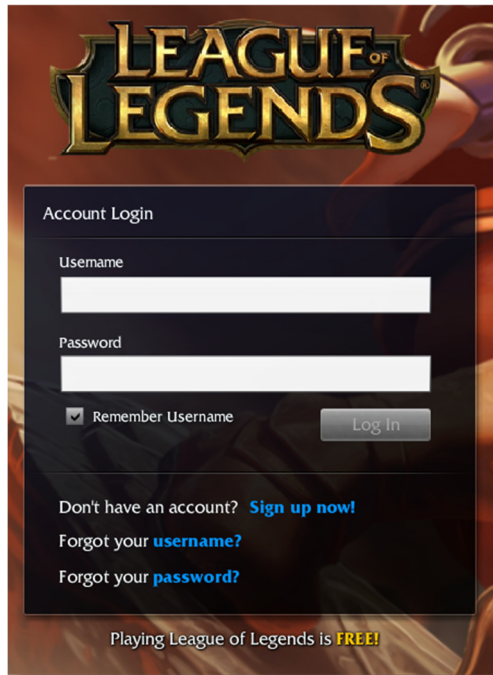
Source: <https://i.ytimg.com/vi/xbRBbLhooA/maxresdefault.jpg>

16. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:

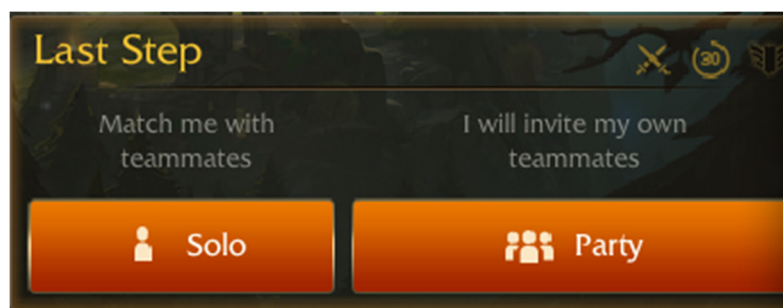
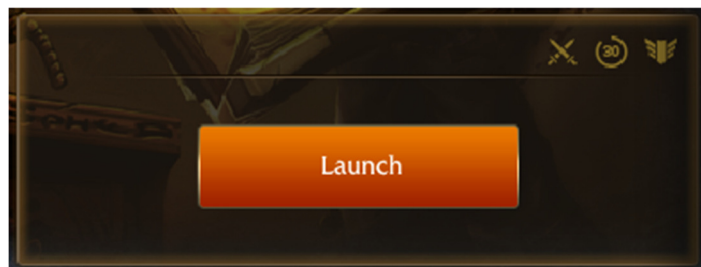


Source: http://riot-web-static.s3.amazonaws.com/images/news/November_2013/OFA/OneForAllFlow.jpg

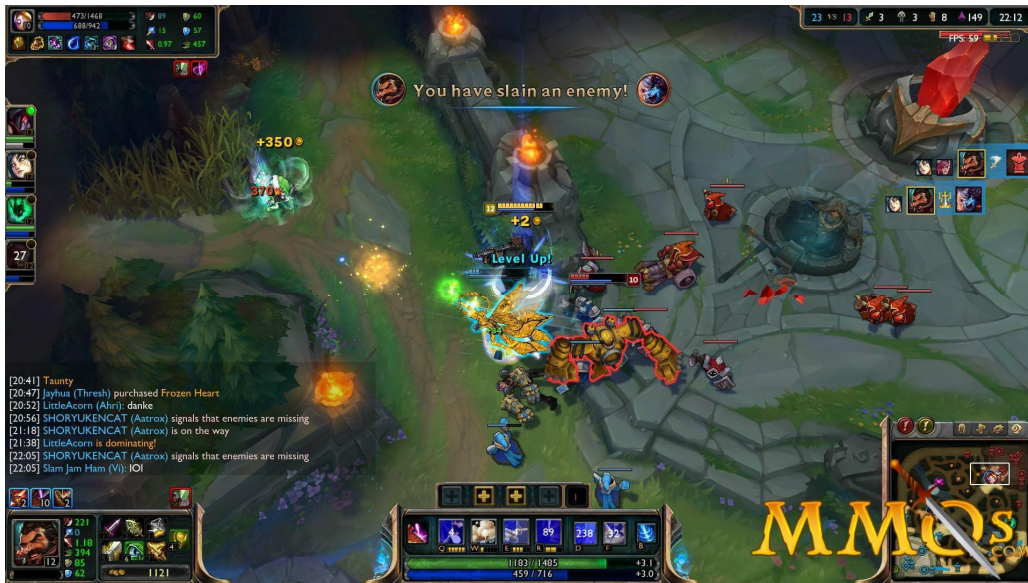
17. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:



18. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:

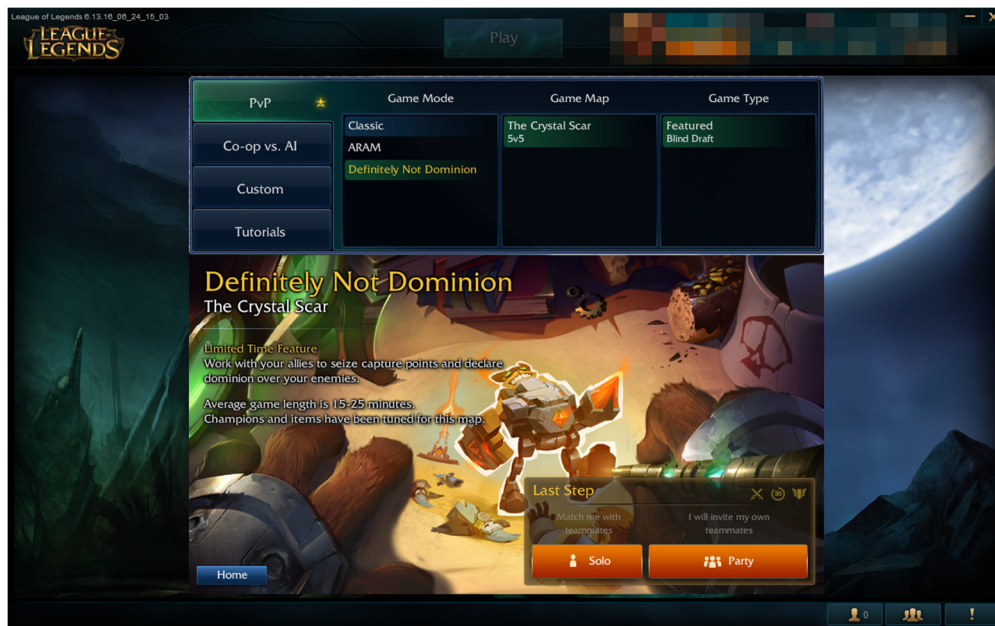


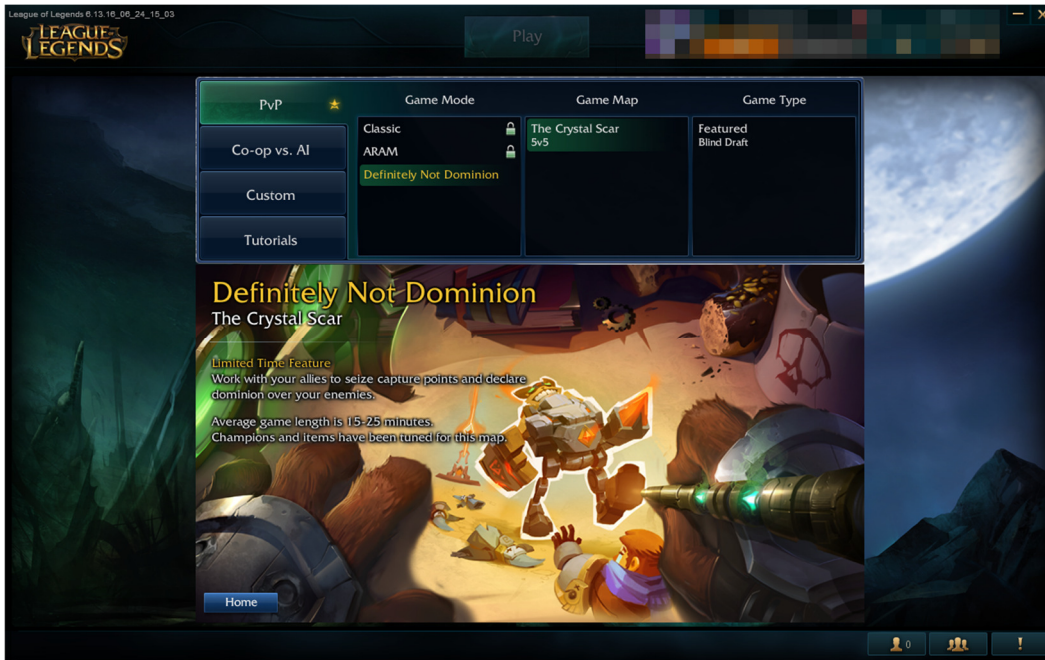
19. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:



Source: <https://cdn.mmos.com/wp-content/gallery/league-of-legends-overview/League-of-Legends-main-gameplay.jpg>

20. Upon information and belief, the following graphic illustrates, at least in part, how certain aspects of a representative sample of Riot Games' software licensing and delivery system operates:





21. Riot Games has directly infringed, and continues to directly infringe one or more claims of the '466 Patent, including at least Claim 15, 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 software licensing and delivery system during the pendency of the '466 Patent which software and associated backend server architecture inter alia allows for installing application programs on a server, receiving a login request, establishing a user desktop, receiving a selection of one or more programs displayed in the user desktop and providing a program for execution.

22. In addition, should Riot Games' software licensing and delivery system be found to not literally infringe one or more claims of the '466 Patent, Riot Games' would nevertheless infringe one or more claims of the '466 Patent under the doctrine of equivalents. More specifically, Riot Games 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). Riot Games would thus be liable for direct infringement under the doctrine of equivalents.

23. Riot Games may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its software licensing and delivery system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 6,728,766)

24. Uniloc incorporates the paragraphs above by reference.

25. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,728,766 (“the ‘766 Patent”) entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR LICENSE USE MANAGEMENT ON A NETWORK that issued on April 27, 2004. A true and correct copy of the ‘766 Patent is attached as Exhibit B hereto.

26. Uniloc USA is the exclusive licensee of the ‘766 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.

27. The ‘766 Patent has been referenced by over fifty other patent applications/patents including patents applications/patents by IBM, Microsoft, Netapp, Time Warner Cable, Fujitsu, AT&T, Toshiba, and Computer Associates.

28. Riot Games has directly infringed, and continues to directly infringe one or more claims of the ‘766 Patent, including at least Claim 7, 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 software licensing and delivery system during the pendency of the ‘766 Patent which software and associated backend server architecture inter alia allow for maintaining user policy based license management information for application programs at a server, receiving a request for a license at the server, determining license availability based on the policy information, and providing an indication of

availability or unavailability.

29. In addition, should Riot Games' software licensing and delivery system be found to not literally infringe one or more claims of the '766 Patent, Riot Games would nevertheless infringe one or more claims of the '766 Patent under the doctrine of equivalents. More specifically, the accused software delivery 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). Riot Games would thus be liable for direct infringement under the doctrine of equivalents.

30. Riot Games may have infringed the '766 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its software licensing and delivery system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

31. Uniloc incorporates the paragraphs above by reference.

32. 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 C hereto.

33. 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.

34. The '578 Patent has been referenced by over one-hundred forty other patent applications/patents including patents applications/patents by IBM, Microsoft, Lucent, Netscape, General

Electric, Hewlett Packard, Cisco, SAP, and Siemens.

35. Riot Games has directly infringed, and continues to directly infringe one or more claims of the '578 Patent, including at least claim 1, 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 software licensing and delivery 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.

36. In addition, should Riot Games' software licensing and delivery system be found to not literally infringe one or more claims of the '578 Patent, Riot Games products would nevertheless infringe one or more claims of the '578 Patent under the doctrine of equivalents. More specifically, the accused software/system performs substantially the same function (making computer games available for digital download/management), in substantially the same way (via a client/server environment), to yield substantially the same result (distributing application programs to a target on-demand server on a network). Riot Games would thus be liable for direct infringement under the doctrine of equivalents.

37. Riot Games may have infringed the '578 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its software licensing and delivery system. Uniloc reserves the right to discover and pursue all such additional infringing software.

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

38. Uniloc incorporates the paragraphs 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 D 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. The ‘293 Patent has been referenced by over eighty other patent applications/patents including patents applications/patents by Cisco, AT&T, Microsoft, AOL, SAP, and Samsung.

42. Riot Games has directly infringed, and continues to directly infringe one or more claims of the ‘293 Patent, including at least Claim 1, 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 software licensing and delivery system during the pendency of the ‘293 Patent which software and associated backend server architecture *inter alia* allow for providing an application program for distribution to a network server, specifying source and target directories for the program to be distributed, preparing a file packet associated with the program including a segment configured to initiate registration and distributing the file packet to the target on-demand server to make the program available for use by a client user.

43. In addition, should Riot Games’ software licensing and delivery system be found to not literally infringe one or more claims of the ‘293 Patent, Riot Games would nevertheless infringe one or more claims of the ‘293 Patent under the doctrine of equivalents. More specifically, the accused software distribution and management 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). Riot Games would thus be liable for direct infringement under the doctrine of equivalents.

44. Riot Games may have infringed the '293 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its software licensing and delivery system. Uniloc reserves the right to discover and pursue all such additional infringing software.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Riot Games as follows:

- (A) that Riot Games has infringed the '466 Patent, the '766 Patent, the '578 Patent, and the '293 Patent;
- (B) awarding Uniloc its damages suffered as a result of Riot Games' infringement of the '466 Patent, the '766 Patent, the '578 Patent, and the '293 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining Riot Games, 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 '466 Patent, the '766 Patent, the '578 Patent, and the '293 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: April 10, 2017

Respectfully submitted,

/s/ James L. Etheridge

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