

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

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

Plaintiffs,

v.

HIKE LTD.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:17-cv-0348-JRG

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their original complaint against defendant, Hike Ltd. (“Defendant”), 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 several patents in the field of text/voice instant messaging.

4. Upon information and belief, Defendant is a corporation organized and existing under the laws of India, having a principal place of business at Bharti Crescent 1, Nelson Mandela Road, Vasant Kunj New Delhi, 110070 India, 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. Among other things, Defendant engages in marketing activities that promote the use of the Hike Messenger app and its associated system.

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

7. Defendant 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. 8,571,194)

8. Uniloc incorporates by reference the above paragraphs.

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 issued on October 29, 2013. A true and correct copy of the '194 Patent is attached as Exhibit A hereto.

10. The '194 Patent spent over three years being examined at the United States Patent and Trademark Office. During examination of the '194 Patent, trained United States Patent

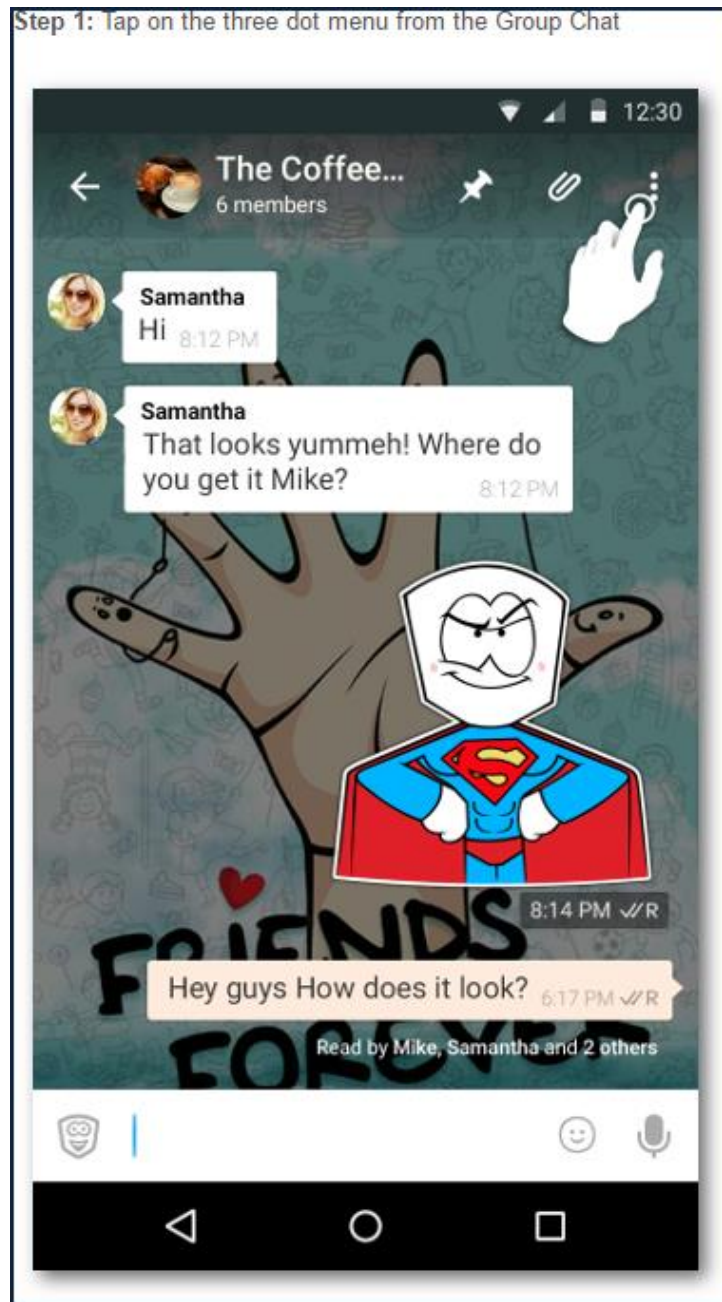
Examiners considered at least twenty-six (26) references before determining that the inventions claimed in the '194 Patent deserved patent protection. Such references include, for example, various references from Microsoft Corporation, International Business Machines Corporation, and Nortel Networks Limited and Bell Canada.

11. 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.

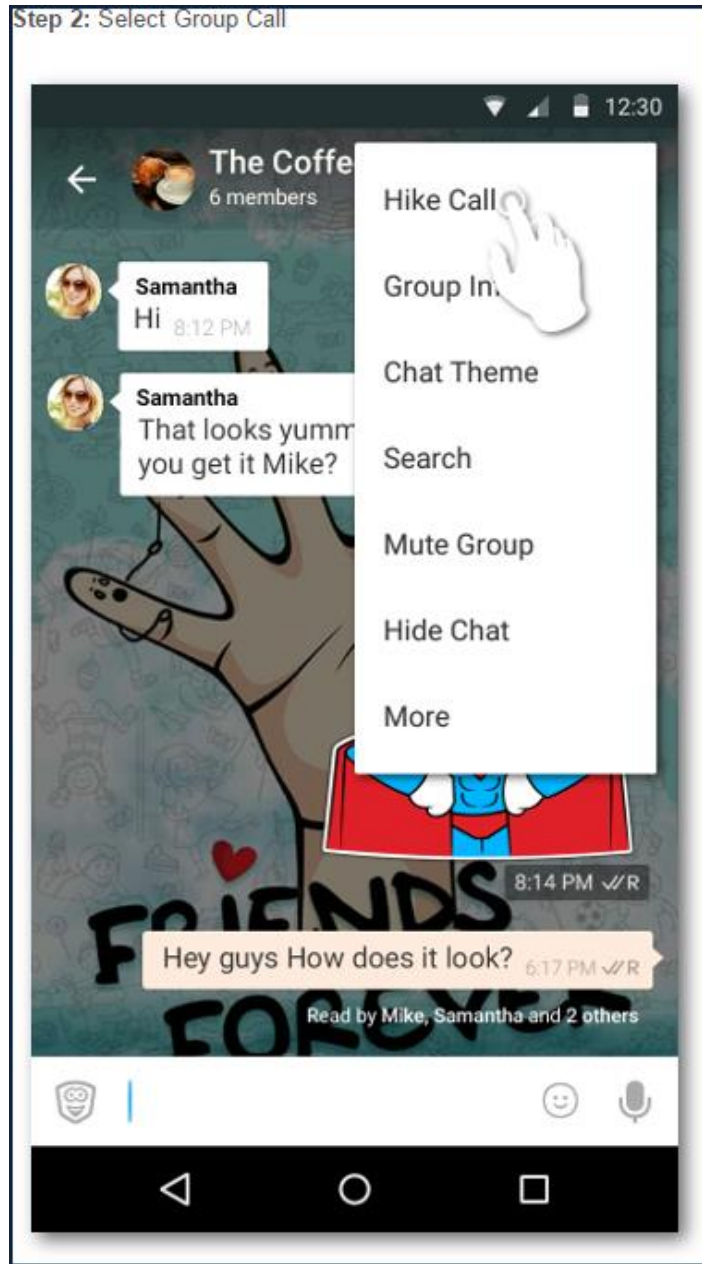
12. Defendant has marketed and currently markets a voice and mobile messaging application (or "app") under the name "Hike Messenger." Hike Messenger can be downloaded to a mobile device through sites such as Google Play and the Apple App Store. Defendant has an associated system, which includes servers, that are used to service the voice and mobile messages from Hike Messenger.

13. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Hike Messenger voice and messaging application and associated system works.

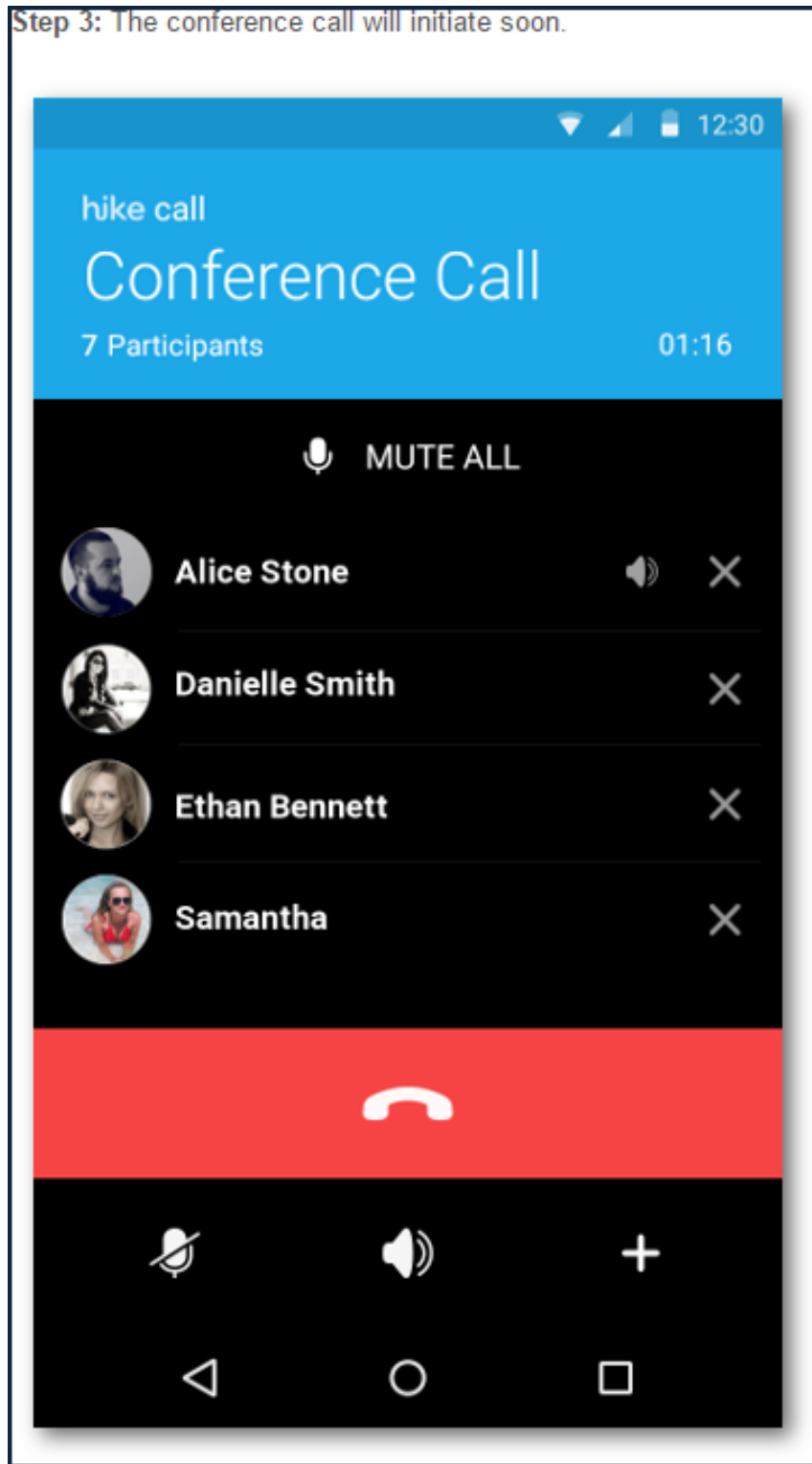
14. Hike allows individuals in an instant message system to initiate a conference call. The below documentation from Hike's website walks one how to start such a conference call from an instant message system.



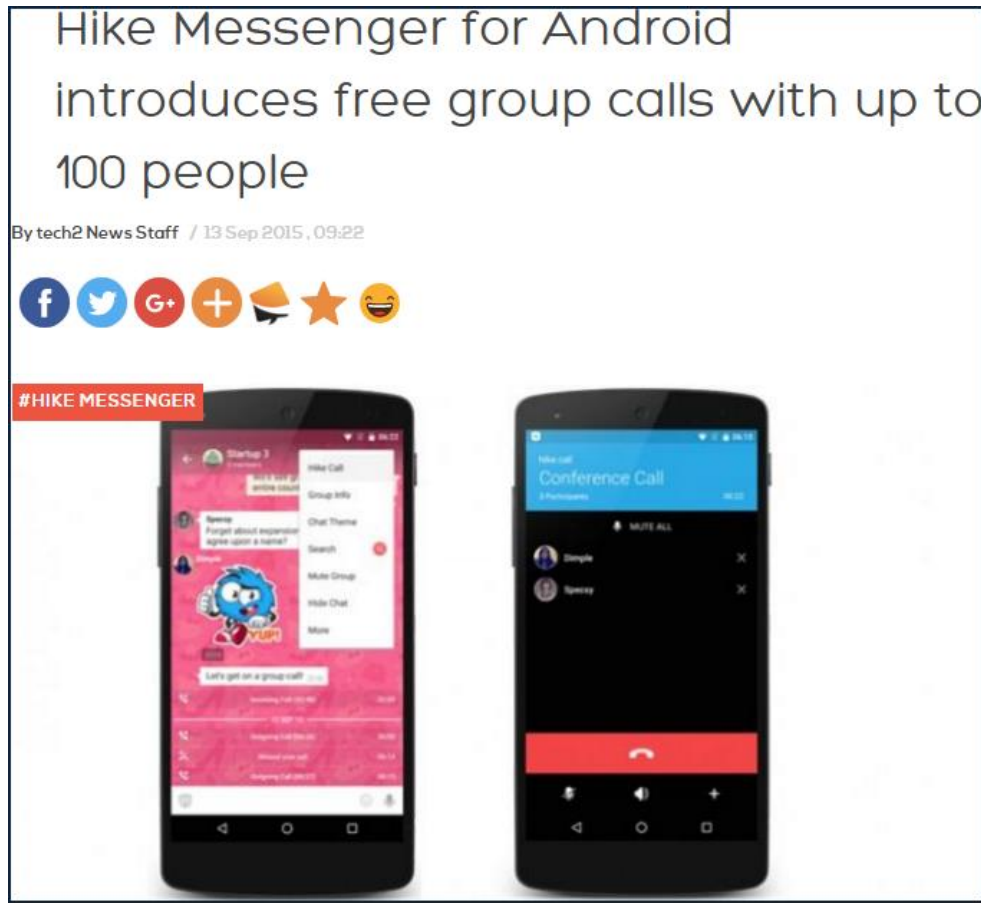
Source: <http://support.hike.in/entries/87329697-How-can-I-make-a-group-call-Conference-call>



Source: <http://support.hike.in/entries/87329697-How-can-I-make-a-group-call-Conference-call>



Source: <http://support.hike.in/entries/87329697-How-can-I-make-a-group-call-Conference-call>



**Source:** <http://tech.firstpost.com/news-analysis/hike-messenger-for-android-introduces-free-group-calls-with-up-to-100-people-281214.html>

Hike Messenger has announced the launch of free group calling on hike connecting up to 100 people in a call, reportedly an industry first. This new addition will allow users to make free group calls with the press of a single button once inside a group chat. This feature is available on Android and is expected to roll out on iOS, Windows later this year.

To use this feature, users need to tap on the Hike Call button inside an existing group chat. Once initiated, hike calls out every member in the group automatically and the call starts as soon as one person gets connected.

**Source:** <http://tech.firstpost.com/news-analysis/hike-messenger-for-android-introduces-free-group-calls-with-up-to-100-people-281214.html>

Tick: Your message has been sent to hike server.

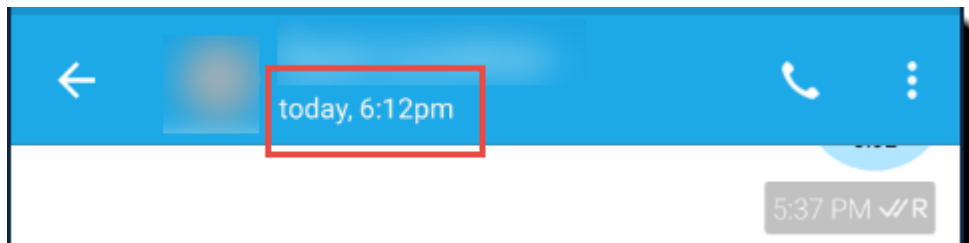
Double Tick: Your message has been delivered to your friend's mobile.

Read: Your friend has read your message.

Three Dots (...): This means that hike is re-trying to send your message. Due to some network issue your message wasn't sent to our servers, but as soon as a connection is found, your message shall automatically be sent to our servers.

**Source:** <https://support.hike.in/hc/en-us/articles/230607727-What-does-tick-double-tick-and-R-stand-for-next-to-my-messages->

15. Hike further provides status indicators showing when a person was last online:



**Source:** product testing

16. Defendant has directly infringed, and continues to directly infringe one or more claims of the '194 Patent, including at least Claim 16, 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 their voice and messaging application and associated system during the pendency of the '194 Patent which inter alia comprises instructions for exchanging instant messages between two or more parties, sending information indicating whether a party is communicably connected to the IM session, receiving a request for voice communications that lacks specific information as to at least one other part, determining the at least one other party after receiving the request, and establishing the voice communication after determining the at least one other party.



17. In addition, should Defendant's voice and messaging application and associated system be found to not literally infringe one or more claims of the '194 Patent, Defendant's accused products would nevertheless infringe one or more claims of the '194 Patent, including at least Claim 16, under the doctrine of equivalents. More specifically, the accused voice and messaging app and associated system 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). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

18. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '194 Patent, including at least Claim 16, in this judicial district and elsewhere in the Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendant's messaging software. Defendant's customers who use such software in accordance with Defendant's instructions directly infringe one or more of the above identified claims of the '194 Patent in violation of 35 U.S.C. § 271.

19. Defendant instructs 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:

<https://support.hike.in/hc/en-us/articles/230605647-How-can-I-make-a-group-call-Conference-call->

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

20. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '194 Patent, including at last Claim 16, 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 Texas, 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.

21. For example, the Defendant's messaging software module that 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, Defendant is liable for infringement pursuant to 35 U.S.C. § 271(c).

22. Defendant will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, Defendant will thus have known and intended (since receiving such notice), that their continued actions would actively induce and contribute to actual infringement of one or more claims of the '194 Patent, including at least Claim 16.

23. Defendant 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 and associated system. Uniloc reserves the right to discover and pursue all such additional infringing software.

## **COUNT II**

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

24. Uniloc incorporates by reference the above paragraphs.

25. Uniloc Luxembourg is the owner, by assignment, of 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.

26. The ‘000 Patent was examined at the United States Patent and Trademark Office for nearly a year. During examination of the ‘000 Patent, trained United States Patent Examiners considered at least five (5) references before determining that the inventions claimed in the ‘000 Patent deserved patent protection. Such references include, for example, various references from Comverse Ltd., and Lightbridge, Inc.

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. Defendant has directly infringed, and continues to directly infringe one or more claims of the ‘000 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 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.

29. In addition, should Defendant’s voice and messaging app and associated system be found to not literally infringe one or more claims of the ‘000 Patent, Defendant’s accused

products would nevertheless infringe one or more claims of the '000 Patent, including at least Claim 1, under the doctrine of equivalents. More specifically, the accused voice and messaging app and associated system 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). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

30. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '000 Patent, including at least Claim 1, in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendant's messaging software. Defendant's 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

31. Defendant instructs 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:

<https://support.hike.in/hc/en-us/articles/230605647-How-can-I-make-a-group-call-Conference-call->

Defendant is thereby liable for infringement of the '000 Patent pursuant to 35 U.S.C. § 271(b).

32. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '000 Patent, including at least Claim 1, 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 Texas, 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.

33. For example, the Defendant's messaging software module that 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, Defendant is liable for infringement pursuant to 35 U.S.C. § 271(c).

34. Defendant will have been on notice of the '000 Patent since, at the latest, the service of this complaint upon them. By the time of trial, Defendant 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 claims of the '000 Patent, including at least Claim 1.

35. Defendant may have infringed the '000 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the voice and messaging application and associated system. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

#### **PRAYER FOR RELIEF**

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

- (A) that Defendant has 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 '000 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining each Defendant, 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.

**DEMAND FOR JURY TRIAL**

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

Dated: April 21, 2017

Respectfully submitted,

/s/ James L. Etheridge

James L. Etheridge  
Texas State Bar No. 24059147  
Ryan S. Loveless  
Texas State Bar No. 24036997  
Brett A. Mangrum  
Texas State Bar No. 24065671  
Travis L. Richins  
Texas State Bar No. 24061296  
Jeffrey Huang  
California State Bar No. 266774  
ETHERIDGE LAW GROUP, PLLC  
2600 E. Southlake Blvd., Suite 120 / 324  
Southlake, Texas 76092  
Telephone: (817) 470-7249  
Facsimile: (817) 887-5950  
[Jim@EtheridgeLaw.com](mailto:Jim@EtheridgeLaw.com)  
[Ryan@EtheridgeLaw.com](mailto:Ryan@EtheridgeLaw.com)  
[Brett@EtheridgeLaw.com](mailto:Brett@EtheridgeLaw.com)  
[Travis@EtheridgeLaw.com](mailto:Travis@EtheridgeLaw.com)

***Counsel for Plaintiffs Uniloc USA, Inc. and  
Uniloc Luxembourg S.A.***