

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

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

Plaintiffs,

v.

RINGCENTRAL, INC.,

Defendant.

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CIVIL ACTION NO. 2:17-cv-355

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, RingCentral, Inc. (“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 Delaware corporation, having a principal place of business 20 Davis Drive Belmont, California 94002, 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 RingCentral Glip system. Defendant may be served with process through its registered agent: The Corporation Trust Company, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801. Defendant may also be served with process through its registered agent in California: InCorp Services, Inc., 5716 Corsa Ave Ste 110, Westlake Village, CA 91362-7354.

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 to inventor Tod Turner 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, Nortel Networks Limited, and Bell Canada.

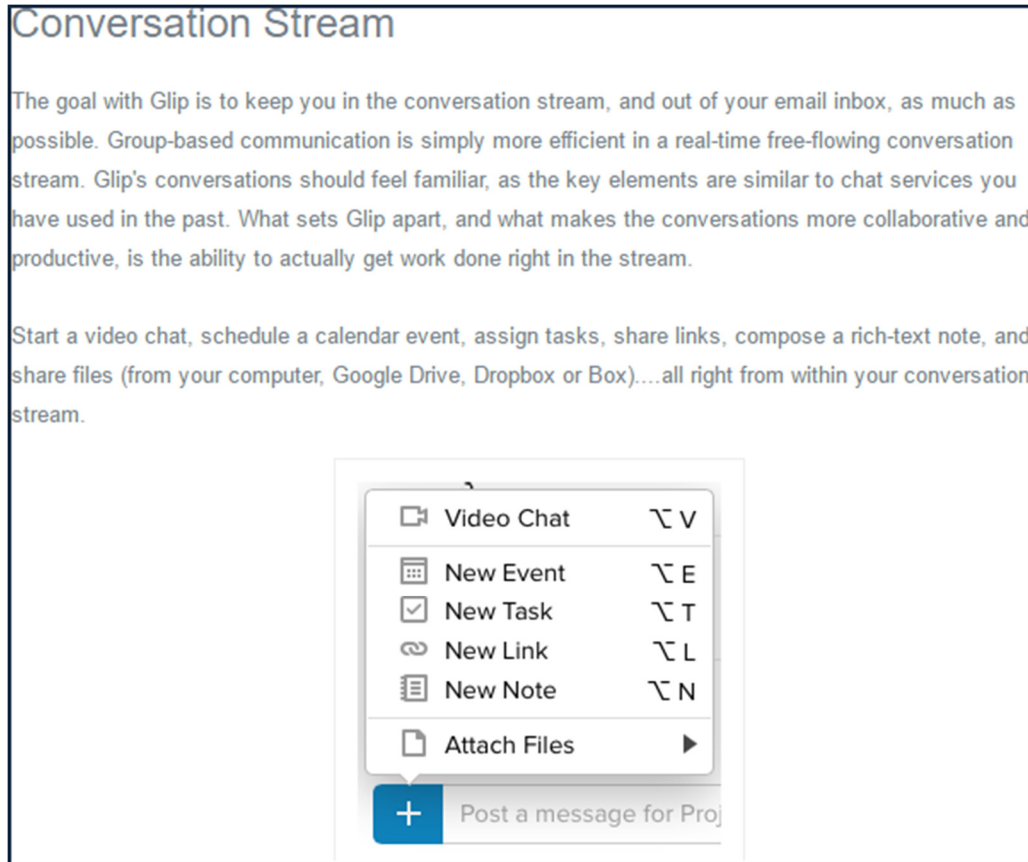
11. Since then, the '194 Patent has been referenced by a patent application filed by Samsung Electronics Co., Ltd.

12. 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.

13. Defendant has marketed and currently markets a voice and messaging system under the name "Glip" and "RingCentral Glip." The Glip system can be accessed through a browser using a web app (<https://app.glip.com/>) or through an app downloaded to Mac, Windows, Android, or iOS devices.

14. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Glip voice and messaging system.

15. Glip allows individuals in an instant message system to initiate a conference call. The below documentation from Glip's website explains how one can start a conference call from an instant message system, including Glip's collaborative system, which at its base has a chatting function that is part of what Defendant calls the conversation stream.

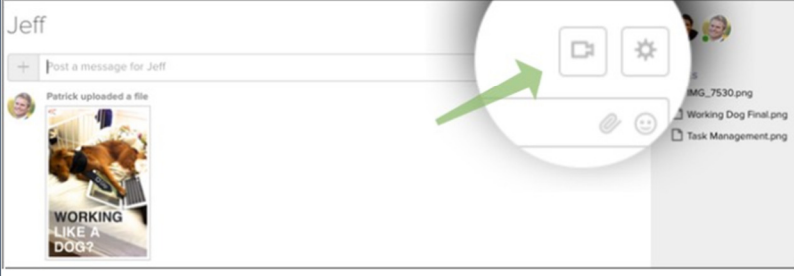


Source: <https://help.glip.com/hc/en-us/articles/202290130-Interface-Overview>

16. The following illustrations from Defendant shows that one can instantly start a conference call in Glip in multiple ways. One way, as shown below, is a clicking of a camera icon in the top of the conversation.

Start or join a meeting instantly

We at Glip are passionate about the art of unbroken workflow—seamless movement from one work activity to the next. Going from chat, to scheduling a meeting, to video conferencing, should be instant & reliable. With Zoom in Glip, anyone can quickly start an online meeting right from their conversations.



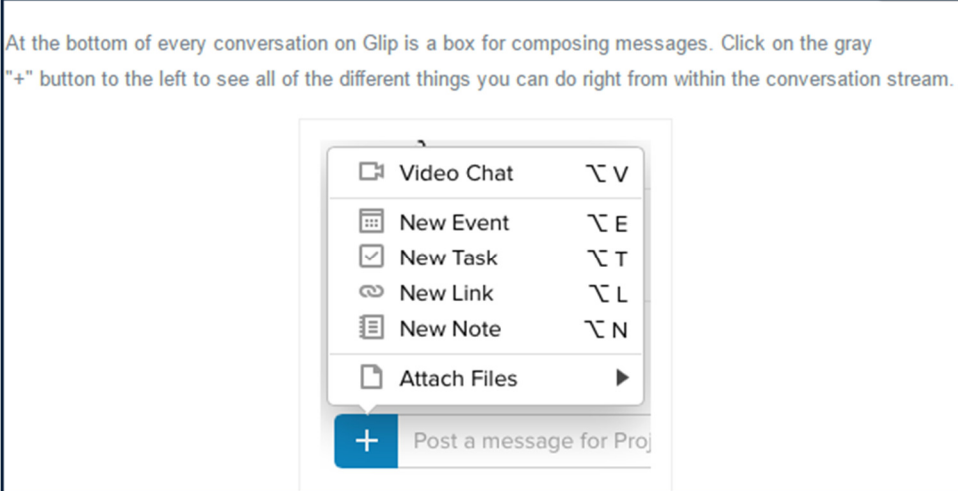
The screenshot shows a chat window for 'Jeff'. At the top, there is a text input field with a '+' button on the left. Below the input field, a message from 'Patrick' is shown with a file upload icon and a photo of a dog. A circular callout with a green arrow points to a video chat icon (a camera) located in the top right corner of the chat area, next to a settings gear icon.

So go ahead, click that little camera icon at the top of any conversation to immediately start a live video chat—with up to 100 people! The old ways of having to send invitations, share access codes, enter pins and battle sketchy connections are long gone.

Source: <https://blog.glip.com/zoom-in-glip-empower-your-team-face-to-face-d7ce9c38243c#.5fgq2ft6o>

17. Another way, as shown below, is through a selection of a “+” button and then selecting Video Chat.

At the bottom of every conversation on Glip is a box for composing messages. Click on the gray “+” button to the left to see all of the different things you can do right from within the conversation stream.




The screenshot shows the message composition area at the bottom of a chat. A blue '+' button is highlighted, and a dropdown menu is open, listing several options: 'Video Chat', 'New Event', 'New Task', 'New Link', 'New Note', and 'Attach Files'. Each option has a small icon to its left and a keyboard shortcut to its right. Below the menu is a text input field with the placeholder text 'Post a message for Proj'.

Source: <https://help.glip.com/hc/en-us/articles/202243124-Composing-Messages>

Video Chat

Select Video Chat (or click the Video Chat button in the header of any conversation) to start a video chat with all of the people in the current conversation (up to 200 people). Need some face time with the Marketing team? Just go to that team's conversation, start a video chat, and everyone on the team will be able to join. Video chat on Glip is handled by a separate application called RingCentral/Office@Hand Meetings that will automatically be installed the first time you initiate or join a video chat.



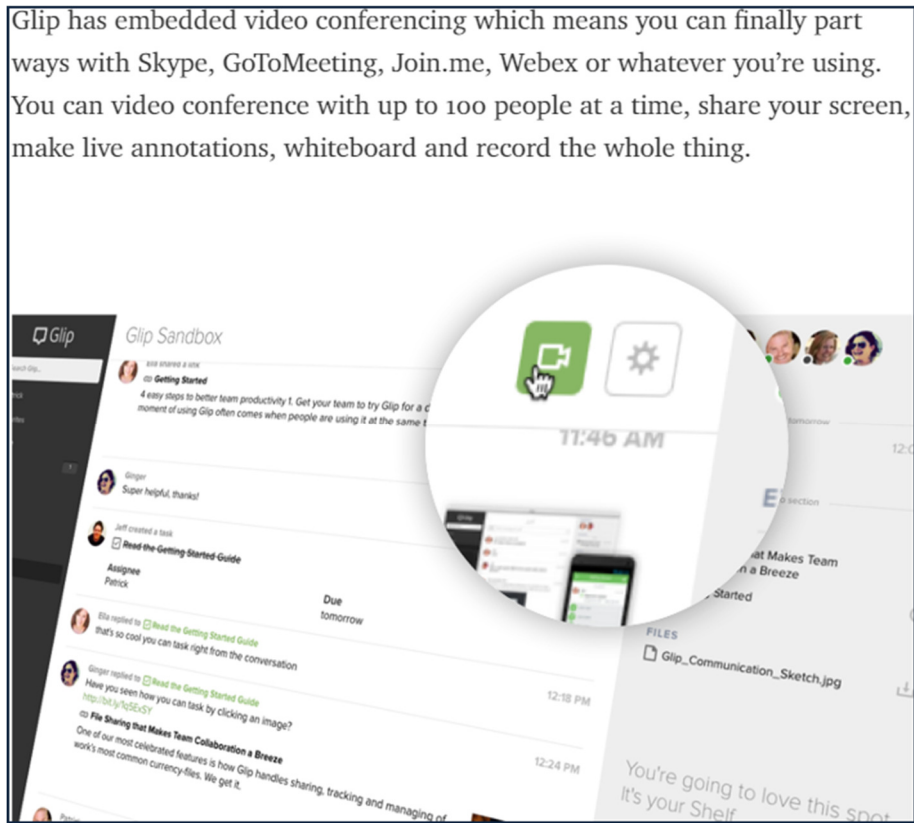
Buttons along the bottom allow you to configure your audio and video settings, or share your computer's screen with the other participants.

Source: <https://help.glip.com/hc/en-us/articles/202243124-Composing-Messages>.

18. Upon clicking either of the referenced icons in the two preceding paragraphs, a conference is established.

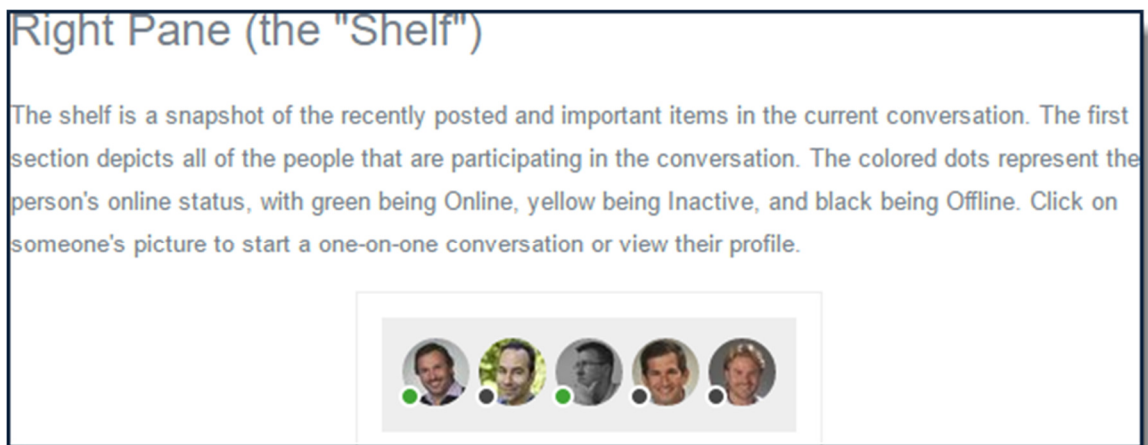


Source: <https://blog.glip.com/zoom-in-glip-empower-your-team-face-to-face-d7ce9c38243c#.5fgq2ft6o>



Source: <https://blog.glip.com/glip-vs-basecamp-why-make-the-switch-5b93c294d181>

19. The following illustration from Defendant shows User's online status are reported on a "Shelf."



Source: <https://help.glip.com/hc/en-us/articles/202290130-Interface-Overview>

20. Defendant has directly infringed, and continues to directly infringe Claim 16 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 their voice and messaging system 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.

21. In addition, should Defendant's voice and messaging system be found to not literally infringe Claim 16 of the '194 Patent, Defendant's accused system would nevertheless infringe Claim 16 of the '194 Patent under the doctrine of equivalents. More specifically, the accused voice and messaging 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.

22. Defendant has indirectly infringed and continues to indirectly infringe Claim 16 of the '194 Patent 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 Claim 16 of the '194 Patent in violation of 35 U.S.C. § 271.

23. Defendant instructs its customers in the use of the messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

- a. <https://help.glip.com/>
- b. <https://blog.glip.com/>

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

24. Defendant has indirectly infringed and continues to indirectly infringe Claim 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 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.

25. 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).

26. 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 Claim 16 of the '194 Patent.

27. 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 system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,804,948)

28. Uniloc incorporates the preceding paragraphs herein by reference.

29. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,804,948 ("the '948 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on September 28, 2010. A true and correct copy of the '948 Patent is attached as Exhibit B hereto.

30. The '948 Patent spent almost six years being examined at the United States Patent and Trademark Office. During examination of the '948 Patent, trained United States Patent Examiners considered at least twelve (12) references before determining that the inventions claimed in the '948 Patent deserved patent protection. Such references include, for example, various references from International Business Machines Corporation and Nortel Networks.

31. Since then, the '948 Patent has been referenced by eighteen (18) other patents and patent applications, including those filed by AT&T and IBM.

32. Uniloc USA is the exclusive licensee of the '948 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.

33. Defendant has directly infringed, and continues to directly infringe Claims 3, 4, 34, and 35 of the '948 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 their voice and messaging system during the pendency of the '948 Patent, which *inter alia* comprises instructions for establishing a communications connection between the network access device and a conference call server; displaying potential targets then being connected to an instant messaging service; generating a conference call request responsively to a single request; and automatically establishing a conference call connection.

34. In addition, should Defendant's voice and messaging system be found to not literally infringe Claims 3, 4, 34, and 35 of the '948 Patent, Defendant's accused products would nevertheless infringe Claims 3, 4, 34, and 35 of the '948 Patent. More specifically, the accused voice and messaging 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.

35. Defendant has indirectly infringed and continue to indirectly infringe Claims 3, 4, 34, and 35 of the '948 Patent 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 Claims 3, 4, 34, and 35 of the '948 Patent in violation of 35 U.S.C. § 271.

36. Defendant instructs its customers in the use of its voice and messaging system through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

- a. <https://help.glip.com/>
- b. <https://blog.glip.com/>

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

37. Defendant has indirectly infringed and continues to indirectly infringe Claims 3, 4, 34, and 35 of the '948 Patent by among other things, contributing to the direct infringement by others, including without limitation users of its 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 '948 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

38. 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).

39. Defendant will have been on notice of the '948 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 its continued actions would actively induce and contribute to actual infringement of Claims 3, 4, 34, and 35 of the '948 Patent.

40. Defendant may have infringed the '948 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT III

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

41. Uniloc incorporates by reference the above paragraphs.

42. Uniloc Luxembourg is the owner, by assignment, of 7,853,000 ("the '000 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on December 14, 2010. A true and correct copy of the '000 Patent is attached as Exhibit C hereto.

43. 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.

44. Since then, the '000 Patent has been cited by five (5) patents and patent applications.

45. 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.

46. Defendant has directly infringed, and continues to directly infringe Claims 3 and 4 of the '000 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 their voice and messaging system 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.

47. In addition, should Defendant's voice and messaging system be found to not literally infringe Claims 3 and 4 of the '000 Patent, Defendant's accused products would nevertheless infringe Claims 3 and 4 of the '000 Patent under the doctrine of equivalents. More specifically, the accused voice and messaging 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.

48. Defendant has indirectly infringed and continue to indirectly infringe Claims 3 and 4 of the '000 Patent 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 Claims 3 and 4 of the '000 Patent in violation of 35 U.S.C. § 271.

49. 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:

a. <https://help.glip.com/>

b. <https://blog.glip.com/>

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

50. Defendant has indirectly infringed and continues to indirectly infringe Claims 3 and 4 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 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.

51. 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).

52. 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 Claims 3 and 4 of the '000 Patent.

53. Defendant may have infringed the '000 Patent through other software utilizing the same or reasonably similar functionality, including other versions of voice and messaging 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, the '948 Patent and the '000 Patent;
- (B) awarding Uniloc its damages suffered as a result of Defendant's infringement of the '194 Patent, the '948 Patent and the '000 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining 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, the '948 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 25, 2017

Respectfully submitted,

/s/ James L. Etheridge

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