

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

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

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

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CIVIL ACTION NO. 2:17-cv-00231-JRG

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their first amended complaint against defendant, Google, 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.

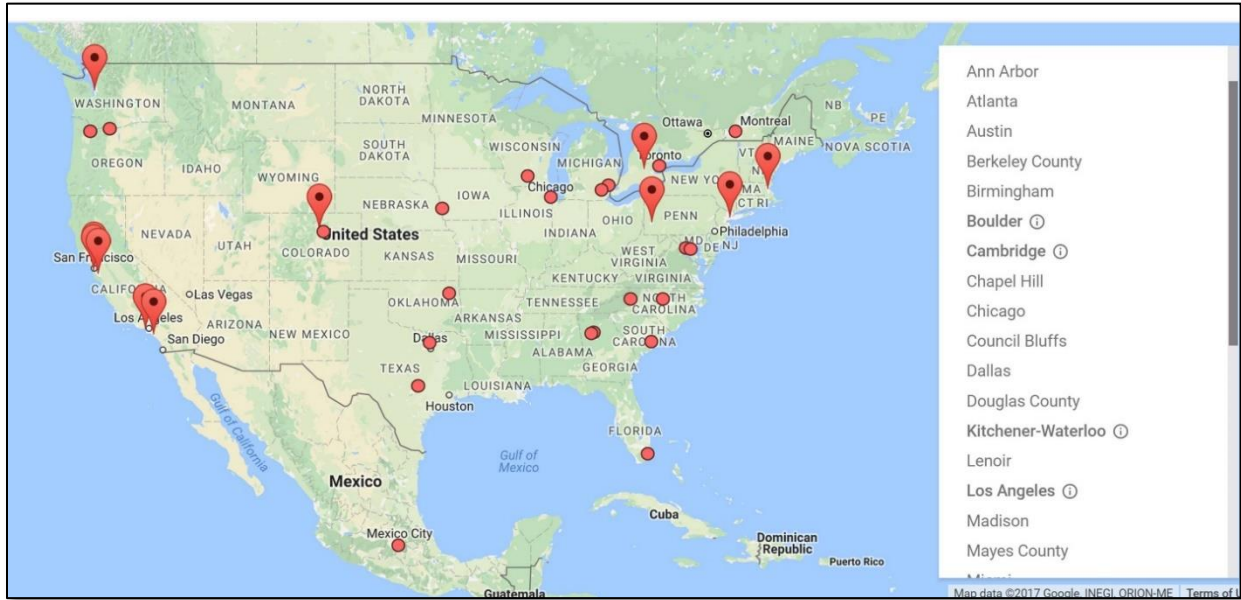
2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

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 in Mountain View, California and offers its products, including those accused herein of infringement, to customers and/or potential customers located in Texas and the judicial Eastern District of Texas. Among other things, Defendant engages in marketing activities

that promote the use of the Google Allo app and its associated system. Defendant may be served with process through its registered agent: Corporation Service Company, 211 E. 7th Street Suite 620 Austin, TX 78701-3218.

5. Upon information and belief, Defendant has multiple locations in Texas, including offices in Austin and Dallas, as shown below.



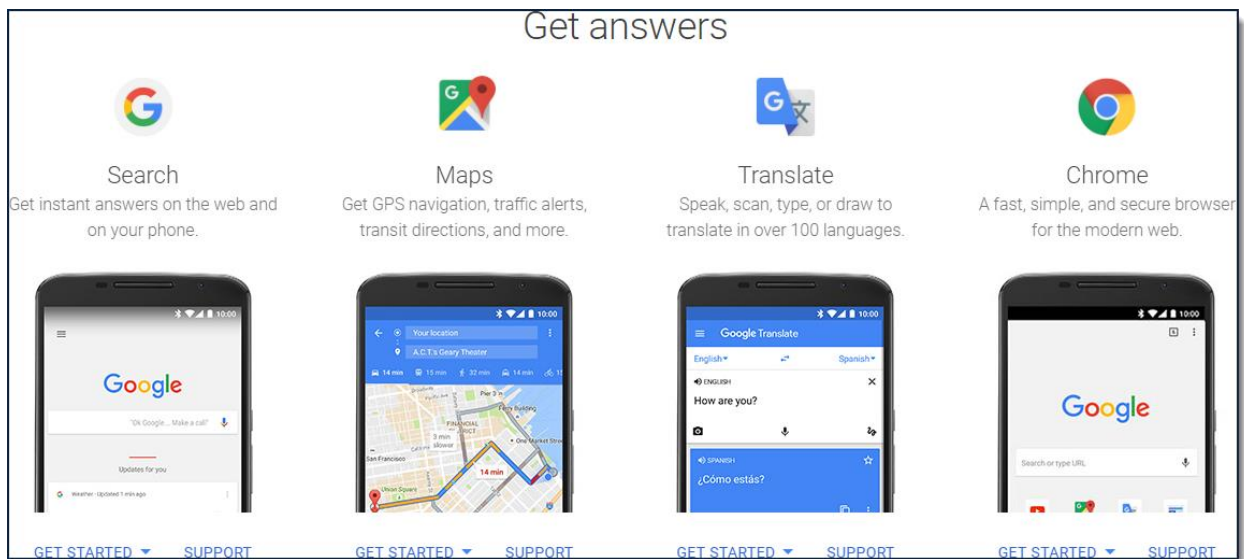
Source: <https://careers.google.com/locations/>

6. Upon information and belief, via the Google Allo app and its associated system, Google allows individuals to communicate with one another, including communications between two or more residents in the Eastern District of Texas.





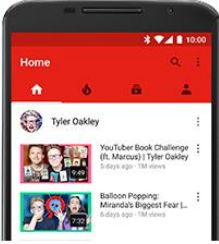


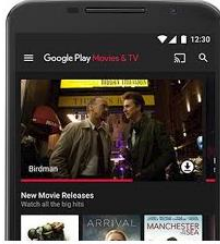
7. Upon information and belief, Defendant maintains highly interactive and commercial websites, accessible to residents of Texas and the Eastern District of Texas, through which Defendant promotes its products and services, including the Google Allo app and services that infringe the patents-in-suit. Defendant's websites solicit users and do business directly with residents of the Eastern District of Texas to create a user account and a Gmail email address; create

an address book of contacts of friends, family, and business associates; participate in interactive messaging with other users; participate in interactive video conferencing with other users; and make voice calls using an interactive software dialer to other users as well to non-user phone numbers in the United States, Canada, and internationally. Further, Defendant's website also accepts payment from residents of the Eastern District of Texas (via payments.google.com) to make long distance and international calls.








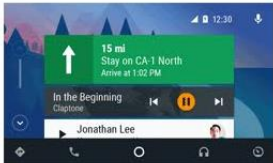
8. The following presents just some of the products and services provided to residents in the Eastern District of Texas.




Watch, listen, and play

 YouTube Discover, watch, and share your favorite videos and music.	 Google Play Music Subscribe to access millions of songs, on demand and ad-free.	 Chromecast Stream movies, music and more from your phone to your TV	 Google Play Movies & TV The newest releases, plus all your favorites, even on your TV.
			
GET STARTED SUPPORT	GET STARTED SUPPORT	GET STARTED SUPPORT	GET STARTED SUPPORT


Stay connected across screens

 Android Phones All kinds of devices for all kinds of folks.	 Android Wear Watches for every style.	 Chromebook Easy-to-use laptops with long battery life.	 Android Auto Voice commands, navigation, and music – now in your car.
			
GET STARTED SUPPORT	GET STARTED SUPPORT	GET STARTED SUPPORT	GET STARTED SUPPORT


Stay in touch




Gmail
Email by Google.




[GET STARTED](#) [SUPPORT](#)




Google Allo
A smart messaging app that helps you say more and do more.




[GET STARTED](#) [SUPPORT](#)



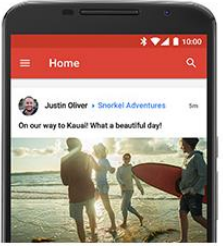
Google Duo
A simple video calling app that lets you preview incoming calls.



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Google+
Discover more of what you love and the people who love it, too.

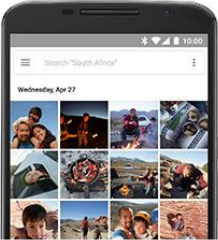


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Organize your stuff



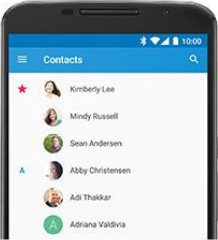
Photos
All your photos, organized, and easy to find.




[GET STARTED](#) [SUPPORT](#)




Contacts
Your family and friends' addresses and numbers, together at last.




[GET STARTED](#) [SUPPORT](#)



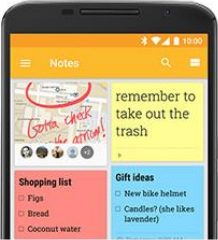
Calendar
Organize your schedule and share events with those in your life.



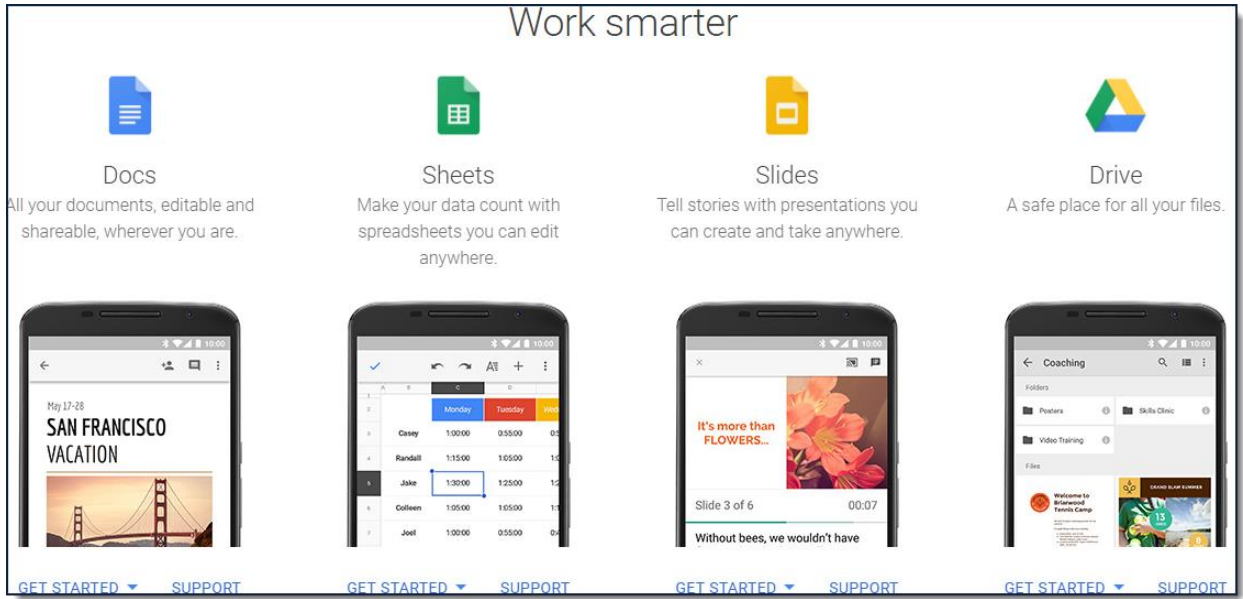
[GET STARTED](#) [SUPPORT](#)



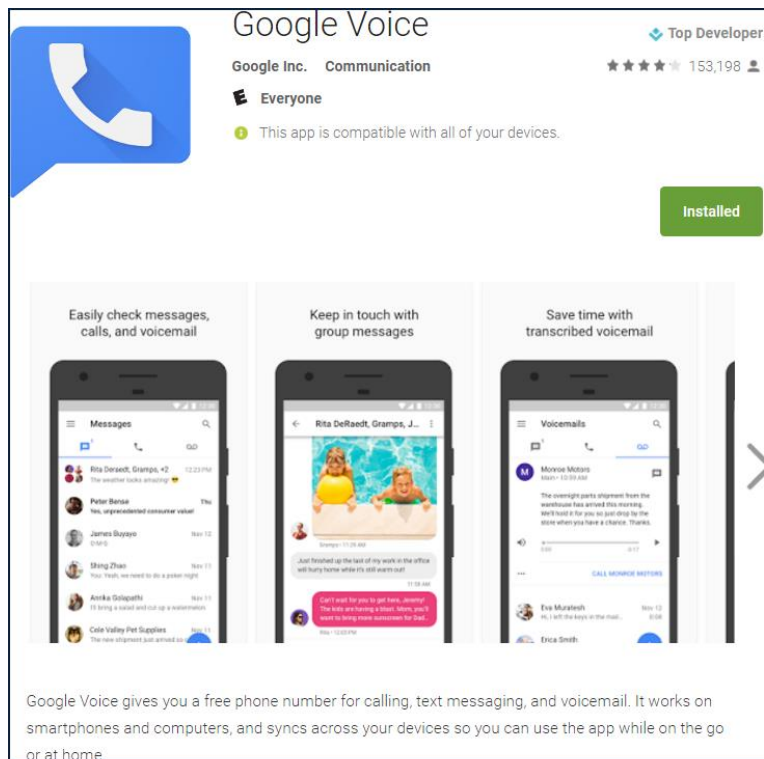
Keep
Save your thoughts as notes, lists, and voice memos from anywhere.



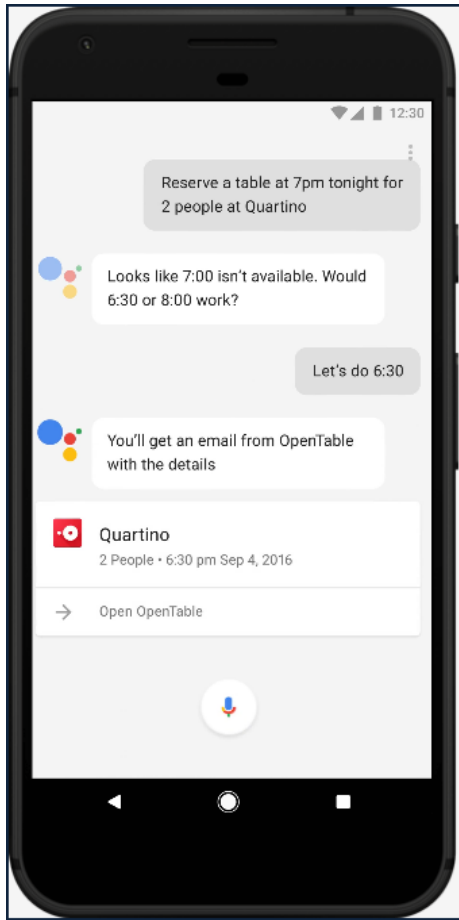
[GET STARTED](#) [SUPPORT](#)



Source: <https://www.google.com/intl/en/about/products/>



Source: <https://play.google.com/store/apps/details?id=com.google.android.apps.googlevoice>



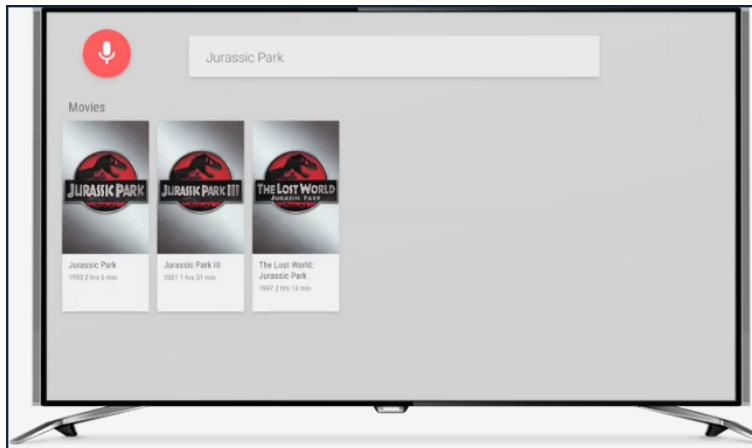
The smartphone screen displays a Google Assistant conversation. At the top, a user message says "Reserve a table at 7pm tonight for 2 people at Quartino". The Assistant responds, "Looks like 7:00 isn't available. Would 6:30 or 8:00 work?". The user replies, "Let's do 6:30". The Assistant then says, "You'll get an email from OpenTable with the details". Below the conversation is a card for "Quartino" with the details "2 People · 6:30 pm Sep 4, 2016" and a button to "Open OpenTable". At the bottom of the screen is a microphone icon for voice search.

Meet your Google Assistant

Over the next few weeks, the Assistant will be coming to Marshmallow and Nougat phones with Google Play Services.

Ask it questions. Tell it to do things. It's your own personal Google. To get help from your Assistant, touch and hold the Home button or say "Ok Google."

[BROWSE PHONES](#)



The Android TV screen shows a search for "Jurassic Park". A search bar at the top contains the text "Jurassic Park" and a microphone icon. Below the search bar, under the heading "Movies", three movie cards are displayed: "Jurassic Park" (1993, 2 hrs 6 min), "Jurassic Park III" (2001, 1 hr 31 min), and "The Lost World: Jurassic Park" (1997, 2 hrs 14 min). Each card features the movie's title and a small image of the dinosaur.

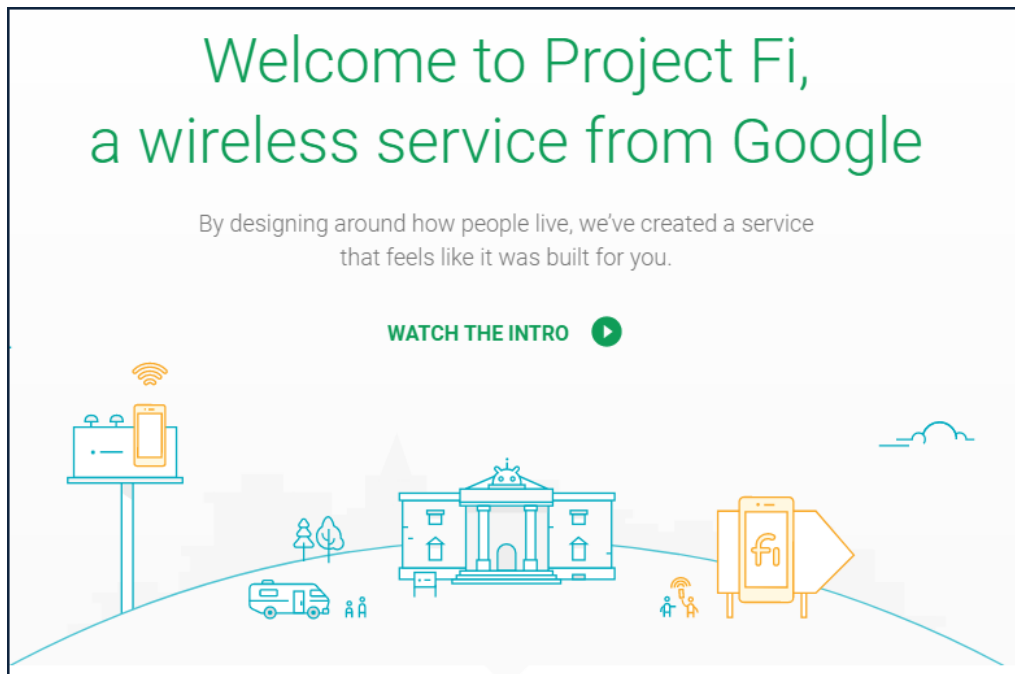
Unlevel the playing field

Android TV personalizes your entertainment experience so you can enjoy more and browse less.

[BROWSE ANDROID TV](#)



Source: <https://www.android.com/>



Source: <https://fi.google.com/about/>

9. Upon information and belief, advertising is among Defendant's primary businesses, and advertising is implemented in Defendant's highly interactive search engine website by directly interacting with users in the Eastern District of Texas. And as shown below, the overwhelming majority of Defendant's revenues come from its proprietary advertising products and services, and most of that overwhelming majority of revenue comes from users'

interactions with Defendant's own highly interactive websites.

AdWords and Search Advertising

The bulk of Google's \$75 billion revenue in 2015 came from its proprietary advertising service, Google AdWords. Of that revenue, over 77% – or just over \$52 billion – came from Google's own websites.

Source: <http://www.investopedia.com/articles/investing/020515/business-google.asp>

10. Upon information and belief, Defendant's advertising products and services are implemented by means including Defendant's AdSense and AdWords products, as well as through Defendant's Advertising ID and User-ID features. For example, as shown below, Defendant's search engine website interacts directly with users through the User-ID feature by associating one or more web browser sessions with a unique and persistent ID that is sent to Defendant's Google Analytics servers.

About the User-ID feature

Connect multiple devices, sessions, and engagement data to the same users.

User ID lets you associate a persistent ID for a single user with that user's engagement data from one or more sessions initiated from one or more devices.

Analytics interprets each unique user ID as a separate user, which provides a more accurate user count in your reports.

When you send Analytics an ID and related data from multiple sessions, your reports tell a more unified, holistic story about a user's relationship with your business.

Source: <https://support.google.com/analytics/answer/3123662>

11. Further, Defendant's highly interactive search engine website also directly interacts with and tracks users in the Eastern District of Texas through Defendant's Conversion Tracking feature. Conversion Tracking tracks the actions of a user, after the user clicks on an ad, by Defendant storing a cookie on the user's computer. The cookie is used to track user activities

including determining whether the user purchased a product, signed up for a newsletter, called a business, or downloaded an app. As shown below, Defendant groups the activities that Conversion Tracking records into at least four categories: Website actions, Phone calls, App installs and in-app actions, and offline activity.

How conversion tracking works

Conversion tracking starts with you creating a **conversion action** in your AdWords account. A conversion action is a specific customer activity that is valuable to your business. You can use conversion tracking to track the following kinds of actions:

- **Website actions:** Purchases, sign-ups, and [other actions that customers complete on your website](#).
- **Phone calls:** Calls directly from your ads, calls to a phone number on your website, and clicks on a phone number on your mobile website. [Learn more about phone call conversion tracking](#).
- **App installs and in-app actions:** Installs of your Android or iOS mobile apps, and purchases or other activity within those apps. [Learn more about mobile app conversion tracking](#).
- **Import:** Customer activity that begins online but finishes offline, such as when a customer clicks an ad and submits a contact form online, and later signs a contract in your office. [Learn more about offline conversion tracking](#).

The conversion tracking process works a little differently for each conversion source, but for each type besides offline conversions, it tends to fall into one of these categories:

- You add a conversion tracking tag, or code snippet, to your website or mobile app code. When a customer clicks on your ad from Google Search or selected Google **Display Network** sites, a temporary cookie is placed on their computer or mobile device. When they complete the action you defined, our system recognizes the cookie (through the code snippet you added), and we record a conversion.
- Some kinds of conversion tracking don't require a tag. For example, to track phone calls from call extensions or call-only ads, you use a Google forwarding number to track when the call came from one of your ads, and to track details like call duration, call start and end time, and caller area code. Also, app downloads and in-app purchases from Google Play will automatically be recorded as conversions, and no tracking code is needed.

Once you've set up conversion tracking, you can see [data on conversions](#) for your campaigns, ad groups, ads, and keywords. Viewing this data in your reports can help you understand how your advertising helps you achieve important goals for your business.

Source: https://support.google.com/adwords/answer/1722022?hl=en&ref_topic=3119146

12. Upon information and belief, in addition to the direct interactivity with users through advertising, User-ID tracking, and Conversion Tracking described above, Defendant further records and saves a multitude of data and information from its direct and indirect interactions with the users in the Eastern District of Texas, including, recording and saving every

voice search, recording and saving every text search, recording and tracking all location data. Defendant further collects information that allows “fingerprinting” of users, including those who disable cookies, by aggregating data about user’s device information, internet provider information, location information, unique application numbers, search histories, search patterns, ads clicked on, images viewed, videos watched, searching the content of user’s Gmail accounts, and more as described in Defendant’s terms of service and privacy policies.¹

Your Google Account

You may need a Google Account in order to use some of our Services. You may create your own Google Account, or your Google Account may be assigned to you by an administrator, such as your employer or educational institution. If you are using a Google Account assigned to you by an administrator, different or additional terms may apply and your administrator may be able to access or disable your account.

Source: <https://www.google.com/policies/terms/>

Our automated systems analyze your content (including emails) to provide you personally relevant product features, such as customized search results, tailored advertising, and spam and malware detection. This analysis occurs as the content is sent, received, and when it is stored.

If you have a Google Account, we may display your Profile name, Profile photo, and actions you take on Google or on third-party applications connected to your Google Account (such as +1’s, reviews you write and comments you post) in our Services, including displaying in ads and other commercial contexts. We will respect the choices you make to limit sharing or visibility settings in your Google Account. For example, you can choose your settings so your name and photo do not appear in an ad.

Source: <https://www.google.com/policies/terms/>

¹ See <https://www.google.com/policies/terms/> ; <https://www.google.com/policies/privacy/> ; see also <https://www.usnews.com/opinion/articles/2013/05/10/15-ways-google-monitors-you>; <https://www.lifewire.com/stop-google-from-tracking-your-searches-4123866>

Information we collect

[Back to top](#)

We collect information to provide better services to all of our users – from figuring out basic stuff like which language you speak, to more complex things like which ads you'll find most useful, the people who matter most to you online, or which YouTube videos you might like.

We collect information in the following ways:

- **Information you give us.** For example, many of our services require you to sign up for a Google Account. When you do, we'll ask for [personal information](#), like your name, email address, telephone number or credit card to store with your account. If you want to take full advantage of the sharing features we offer, we might also ask you to create a publicly visible [Google Profile](#), which may include your name and photo.
- **Information we get from your use of our services.** We collect information about the services that you use and how you use them, like when you watch a video on YouTube, visit a website that uses our advertising services, or view and interact with our ads and content. This information includes:

- **Device information**

We collect device-specific information (such as your hardware model, operating system version, [unique device identifiers](#), and mobile network information including phone number). Google may associate your device identifiers or phone number with your Google Account.

- **Log information**

When you use our services or view content provided by Google, we automatically collect and store certain information in [server logs](#). This includes:

- details of how you used our service, such as your search queries.
- telephony log information like your phone number, calling-party number, forwarding numbers, time and date of calls, duration of calls, SMS routing information and types of calls.
- [Internet protocol address](#).
- device event information such as crashes, system activity, hardware settings, browser type, browser language, the date and time of your request and referral URL.
- cookies that may uniquely identify your browser or your Google Account.

◦ **Location information**

When you use Google services, we may collect and process information about your actual location. We use various technologies to determine location, including IP address, GPS, and other sensors that may, for example, provide Google with information on nearby devices, Wi-Fi access points and cell towers.

◦ **Unique application numbers**

Certain services include a unique application number. This number and information about your installation (for example, the operating system type and application version number) may be sent to Google when you install or uninstall that service or when that service periodically contacts our servers, such as for automatic updates.

◦ **Local storage**

We may collect and store information (including personal information) locally on your device using mechanisms such as [browser web storage](#) (including HTML 5) and [application data caches](#).

◦ **Cookies and similar technologies**

We and our partners use various technologies to collect and store information when you visit a Google service, and this may include using [cookies or similar technologies](#) to identify your browser or device. We also use these technologies to collect and store information when you interact with services we offer to our partners, such as advertising services or Google features that may appear on other sites. Our Google Analytics product helps businesses and site owners analyze the traffic to their websites and apps. When used in conjunction with our advertising services, such as those using the DoubleClick cookie, Google Analytics information is linked, by the Google Analytics customer or by Google, using Google technology, with information about visits to multiple sites.

Source: <https://www.google.com/policies/privacy/>


We may combine personal information from one service with information, including personal information, from other Google services – for example to make it easier to share things with people you know. Depending on [your account settings](#), your activity on other sites and apps may be associated with your personal information in order to improve Google's services and the ads delivered by Google.

Source: <https://www.google.com/policies/privacy/>

13. Upon information and belief, Defendant sells products directly to individuals in


the Eastern District of Texas, including its Pixel phone, Google Home, Google Wifi, Daydream View glasses, Chromecast Ultra streaming device, Chromecast streaming device, tablets, Chromebooks, Android Wear watches, and accessories.

Pixel
The first phone with the Google Assistant built in
From \$649
SHOP NOW ➔



Buy Pixel XL, get a Pixel XL Case by Google on us
TERMS APPLY

Google Home
Hands-free help from the Google Assistant
From \$129
SHOP NOW ➔



Save \$50. Buy Google Home with Nest Thermostat.
TERMS APPLY

Google Wifi
Home life, uninterrupted
From \$129
SHOP NOW ➔



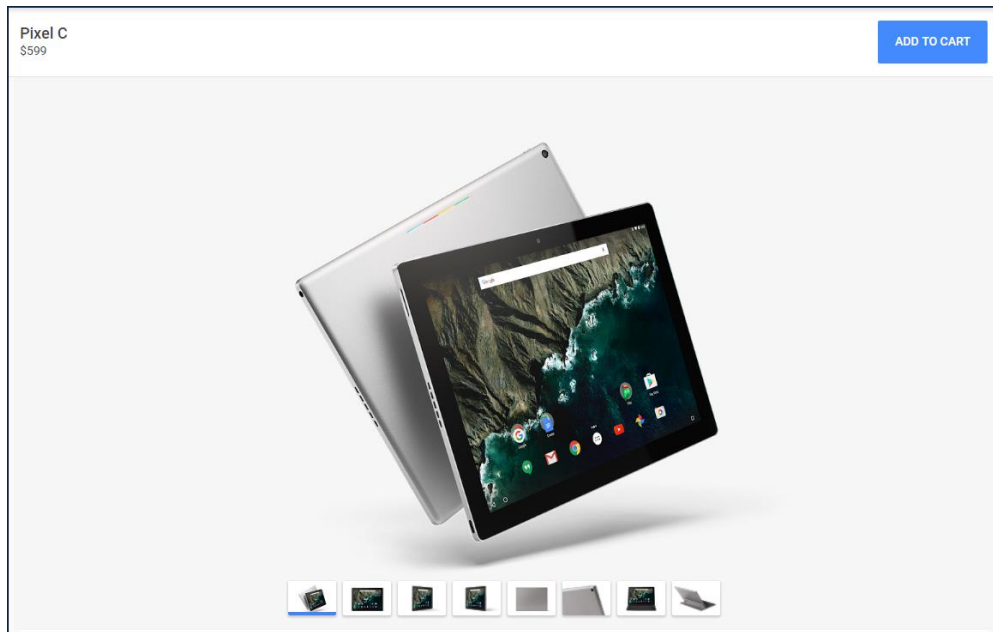
Daydream View
Explore new worlds, enjoy VR cinema, and play games like you're there
\$79
SHOP NOW ➔



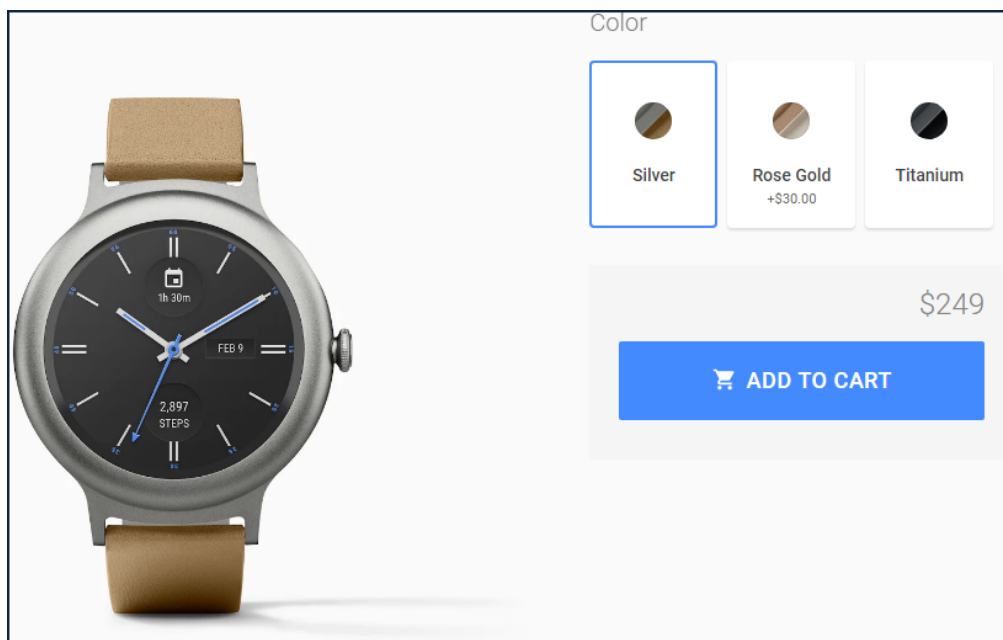
Chromecast Ultra
Stream your favorite entertainment in up to 4K UHD and HDR
\$69
SHOP NOW ➔



Source: <https://store.google.com/>



Source: https://store.google.com/product/pixel_c



Source: https://store.google.com/config/lg_watch_style

14. In the sale of the products in the preceding paragraph, Defendant is believed to charge local sales tax to residents in the Eastern District of Texas, as shown below.

Order number: [REDACTED]			
Order date: 2016 [REDACTED]			
Purchased from:		Ship to:	
Google Inc. 1600 Amphitheatre Parkway Mountain View CA 94043 United States		[REDACTED] Frisco TX 75034 United States	
Shipping Status	Quantity	Item	Price
Estimated delivery date: April 22 – 25, 2016	1	Pixel C, 64GB SSD	\$599.00
Processing (1-2 business days) + Delivery (1 business day):			\$22.99
Tax:			\$38.83
Total:			\$660.07
Payment method: [REDACTED]			

Source: Product testing

15. Upon information and belief, Defendant knowingly introduced each and every product and service as part of its regular and established business into the Eastern District of Texas through its highly interactive websites and other hardware and software products, including the accused instrumentalities. Each of Defendant's products or services and actions described in this First Amended Complaint shows Defendant intended and continues to intend for residents of the Eastern District of Texas to use and interact directly with these products, services, and highly interactive websites.

16. Upon information and belief, since 2007, Defendant has employed "hundreds" of employees in Texas, including in Austin, Texas.²

17. Upon information and belief, Defendant has at least one current office located in

² According to Gerardo Interiano, Google's public affairs and government relations manager, in a statement. See <http://www.statesman.com/business/google-lease-200-000-square-feet-new-downtown-austin-tower/SANZSa3du8QQ4k8ytOC2rJ/>

Austin, on North MoPac Expressway,³ and upon information and belief, Defendant has additional office locations at University Park and Austin's Children Museum.⁴

18. Upon information and belief, Defendant has leased over 200,000 square feet of office space in Austin, Texas, at 500 West 2nd Street.⁵

19. Upon information and belief, Defendant has, as of May 2017, multiple job openings in Austin and Dallas, Texas,⁶ including positions such as:

- Software Engineer, Android Applications
- Software Engineer, Android
- Google Fiber Program Manager, Last Mile Operations
- Field Sales Representative, Google Cloud
- Sales Engineer, Google Cloud
- Operations Engineer, Technical Infrastructure, Dallas, TX

20. Upon information and belief, Defendant has at least nine (9) active taxable entities in Texas, including:

- GOOGLE COMPARE AUTO INSURANCE SERVICES INC.
- GOOGLE COMPARE CREDIT CARDS INC.
- GOOGLE COMPARE MORTGAGES INC.

³ See <https://www.google.com/intl/en/about/locations/?region=north-america>

⁴ See <http://www.statesman.com/business/google-lease-200-000-square-feet-new-downtown-austin-tower/SANZSa3du8QQ4k8ytOC2rJ/>

⁵ See <http://www.statesman.com/business/google-lease-200-000-square-feet-new-downtown-austin-tower/SANZSa3du8QQ4k8ytOC2rJ/>

⁶ <https://careers.google.com/jobs#t=sq&q=j&li=20&l=false&jl=30.267153%3A-97.7430607999997%3AAustin%2C+TX%2C+USA%3AUS%3A%3A20.13709231046343%3ALOCALITY&jld=20&yes&jcoid=7c8c6665-81cf-4e11-8fc9-ec1d6a69120c&jcoid=e43afd0d-d215-45db-a154-5386c9036525&> ; <https://careers.google.com/jobs?=&jo&jid=/google/operations-engineer-dallas-tx-usa-2526670956#!t=jo&jid=/google/operations-engineer-dallas-tx-usa-2526670956&>

- GOOGLE FIBER INC.
- GOOGLE FIBER NORTH AMERICA INC.
- GOOGLE FIBER TEXAS, LLC
- GOOGLE INC.
- GOOGLE NORTH AMERICA INC.
- GOOGLE PAYMENT CORP.

21. Upon information and belief, Defendant has provided, currently provides, and is currently offering to provide its Google Fiber services to the residents of Austin, Texas.⁷ And upon information and belief, “[Google] Fiber is coming” to San Antonio, Texas.⁸ And upon information and belief, Defendant is “exploring bringing [Google] Fiber to Dallas”.⁹

22. Upon information and belief, Defendant has invested \$200,000,000 in the Spinning Spur wind farm project in Oldham County, Texas.¹⁰

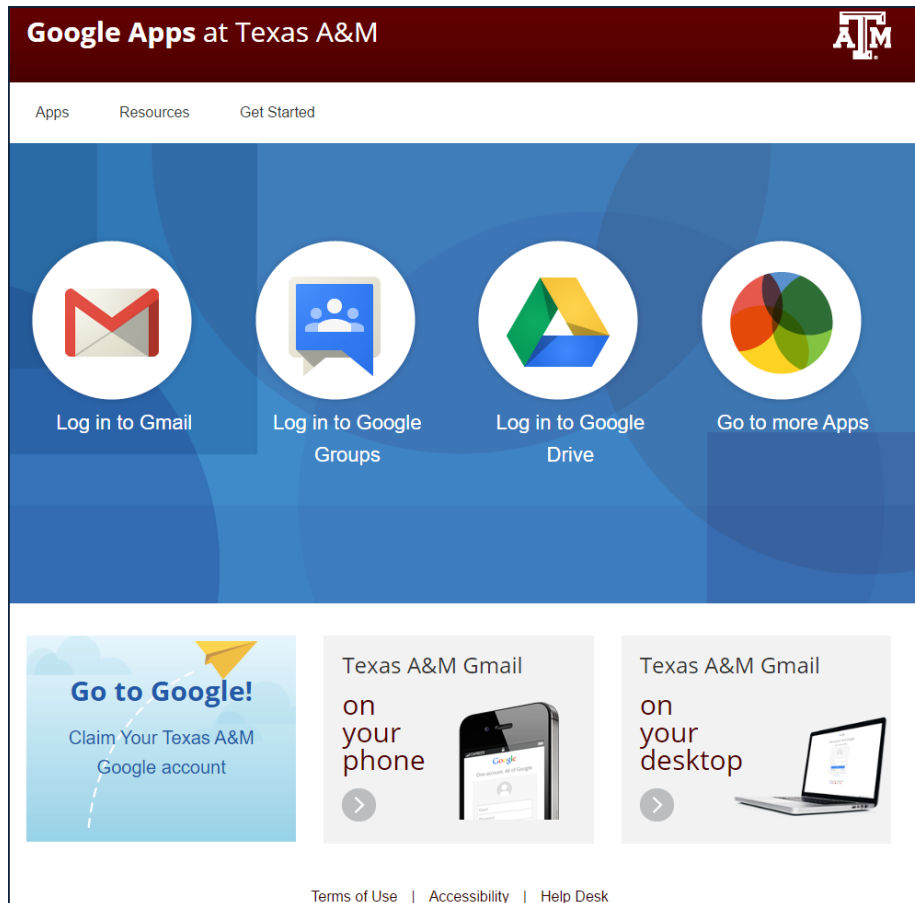
23. Upon information and belief, Defendant provides Software-as-a-Service applications, including email and server space, to Texas public universities. Non-limiting examples of such universities are Texas A&M University (which has facilities in the Eastern District of Texas) and Texas A&M Commerce (located in the Eastern District of Texas), as shown below.

⁷ See <https://fiber.google.com/cities/austin/>

⁸ See <https://fiber.google.com/cities/sanantonio/>

⁹ See <https://fiber.google.com/cities/dallas/>

¹⁰ See <https://www.chooseenergy.com/blog/energy-news/google-invests-200m-in-west-texas-wind-farm/>



Source: <http://google.tamu.edu/>

Welcome Lions to your new LeoMail 2.0 found in your myLEO homepage located at myLEO.tamu-commerce.edu. We hope you take some time to look through your new student email. As a reminder the new email is a gmail platform and share many features that a regular gmail account has.

In addition to email, you will have the ability to build your own contacts list and use the built in calendar for planning and organizing. The most asked question has revolved around the ability to sync this email account with your mobile or smart phone device. The answer is ³yes². The Portal Implementation Team is working on getting both the email and your NEW myLEO account connected in an application that will be available in June.

Source: <http://mailman.tamuc.edu/pipermail/students/2012-May/004325.html>

24. Upon information and belief, Defendant has massively scanned books from Texas public universities.



Source: <https://www.lib.utexas.edu/google/faqs.html>

25. Upon information and belief, Defendant provides the State of Texas with aerial imagery.¹¹

26. Upon information and belief, Defendant acquired Waze in 2013,¹² and Defendant's Waze traffic app partners with cities and business in Texas, non-limiting examples include the Waze partnership with the city of Forth Worth to provide constant traffic data to the city.¹³ Another non-limiting example includes the Waze partnership with the Genesis Group in Tyler, to decrease emergency response times.¹⁴

27. Upon information and belief, Defendant tracks the location of individuals in the Eastern District of Texas via Google accounts and Android devices.¹⁵

28. Upon information and belief, Defendant provides telephone services to individuals in the Eastern District of Texas through Google Voice and Google Allo. Further, when signing up for such telephone services, a user can obtain a number local to the Eastern District of Texas.¹⁶

¹¹ See <http://www.bisconsultants.com/affordable-imagery-for-texas-government-entities-from-google/>

¹² See <https://techcrunch.com/2013/06/11/its-official-google-buys-waze-giving-a-social-data-boost-to-its-location-and-mapping-business/>

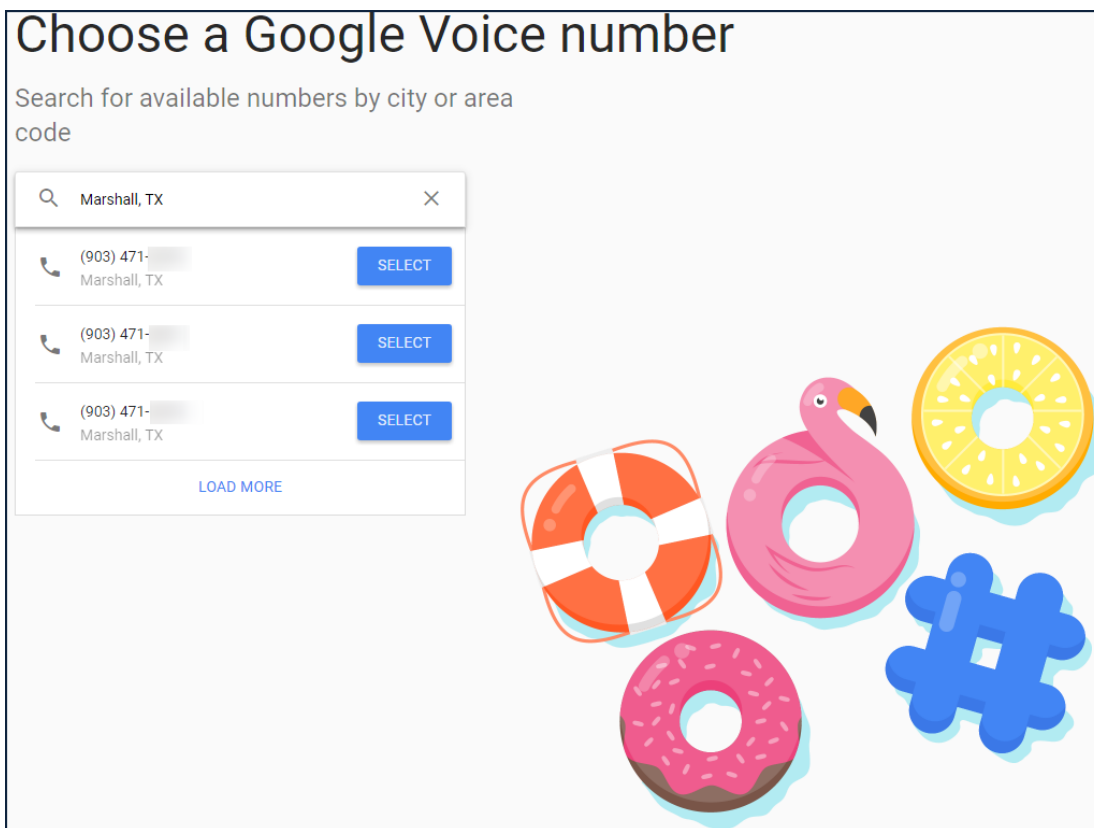
¹³ See <http://dfw.cbslocal.com/2016/12/14/forth-worth-partners-with-waze-traffic-app/>

¹⁴ See <https://genesispulse.com/2015/10/06/the-genesis-group-joins-waze-connected-citizens-program/>

¹⁵ See <https://support.google.com/accounts/answer/3467281?hl=en>;

<https://support.google.com/accounts/answer/3118687?hl=en>

¹⁶ See <http://www.wikihow.com/Get-a-Google-Voice-Phone-Number>



Source: Product testing at <https://voice.google.com/signup>

29. Upon information and belief, Defendant provides on-demand video rental services to residents of the Eastern District of Texas through its Google Play Movies services.¹⁷

30. Upon information and belief, Defendant provides services to business and schools in the Eastern District of Texas, including email services, word processing software, electronic file storage services, and video conferencing services. Defendant brands such services as “G Suite” services. Non-limiting examples of such business and schools include the Frisco Independent School District, as shown below.¹⁸

¹⁷ See <https://support.google.com/googleplay/answer/2851683>

¹⁸ See <http://schools.friscoisd.org/ms/vandeventer/site/resources/accessing-google-applications>

How do I login?

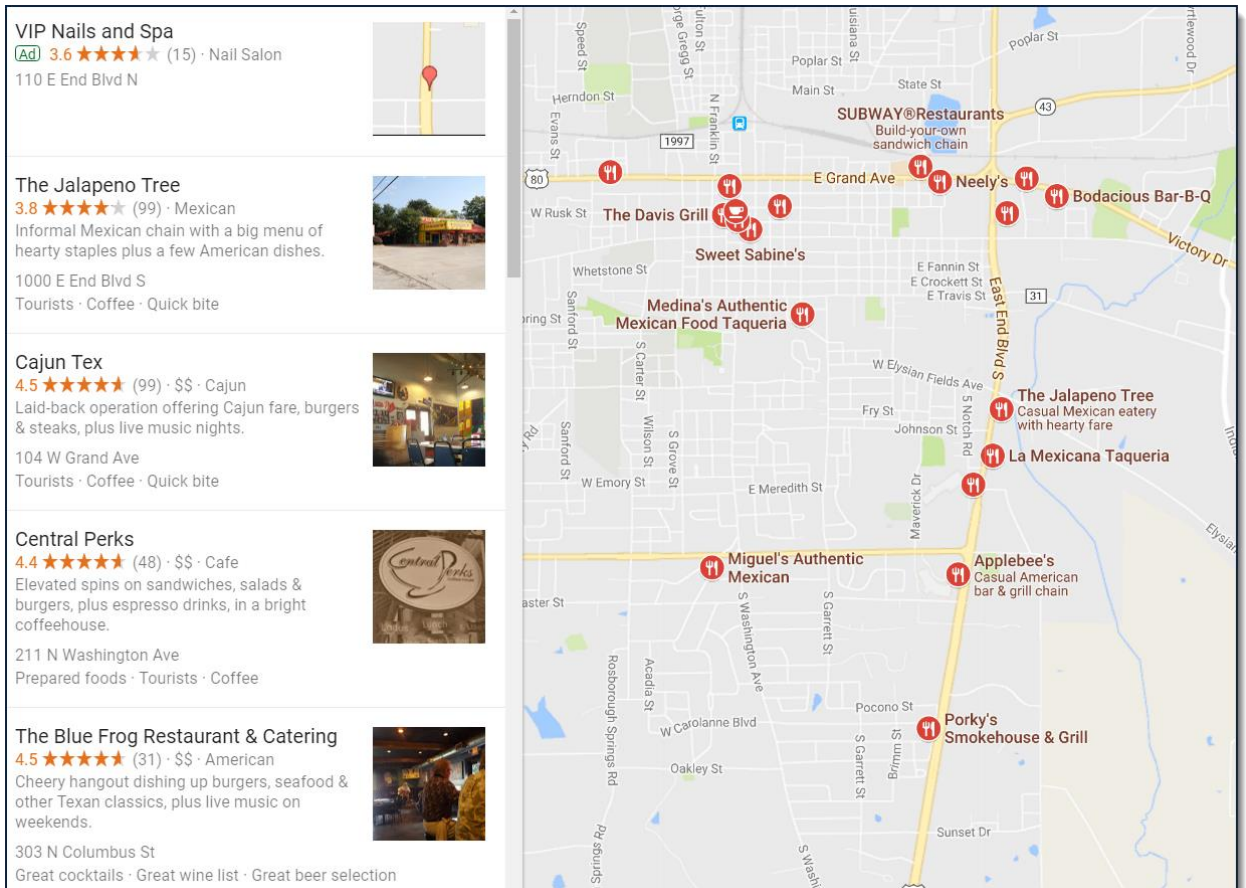
Each student in FISD has a Google login. The username is their Frisco ISD email address, which is firstname.lastname.###@k12.friscoisd.org

where the ### is the last three digits of their student id#. This address uses the full legal first name and full legal last name of the student, and does not recognize nicknames. All teachers have access to student gmail addresses and can help if you aren't sure what the username is.

The password will most likely be the student birth date in 8 digits MMDDYYYY.

Source: Frisco Independent School District Website. *See* fn. 20.

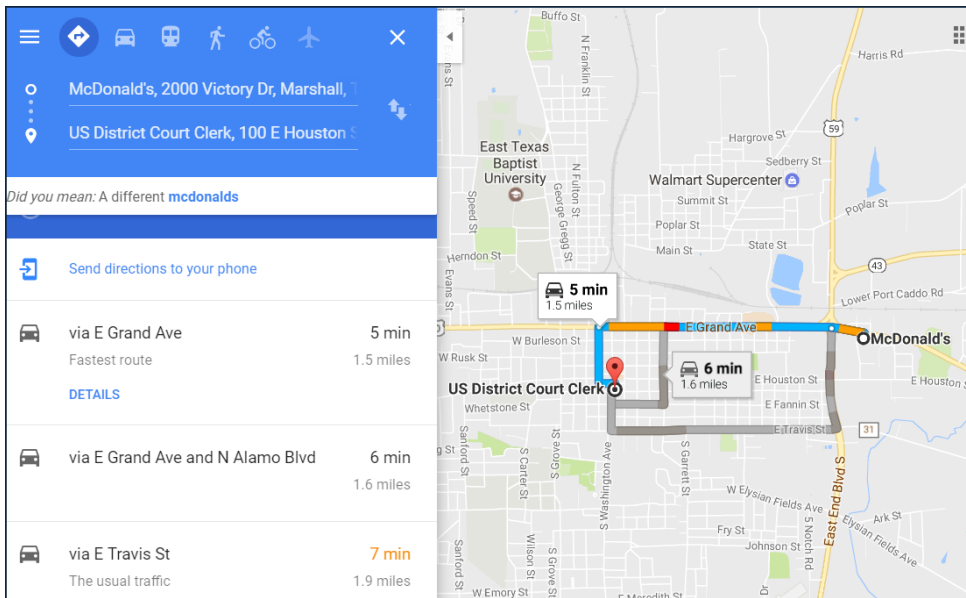
31. Upon information and belief, Defendant provides advertising services to businesses in the Eastern District of Texas, including soliciting reviews of patrons that have visited a business in the Eastern District of Texas, as shown below.



Source: Product testing

32. Upon information and belief, Defendant monitors and reports traffic conditions in

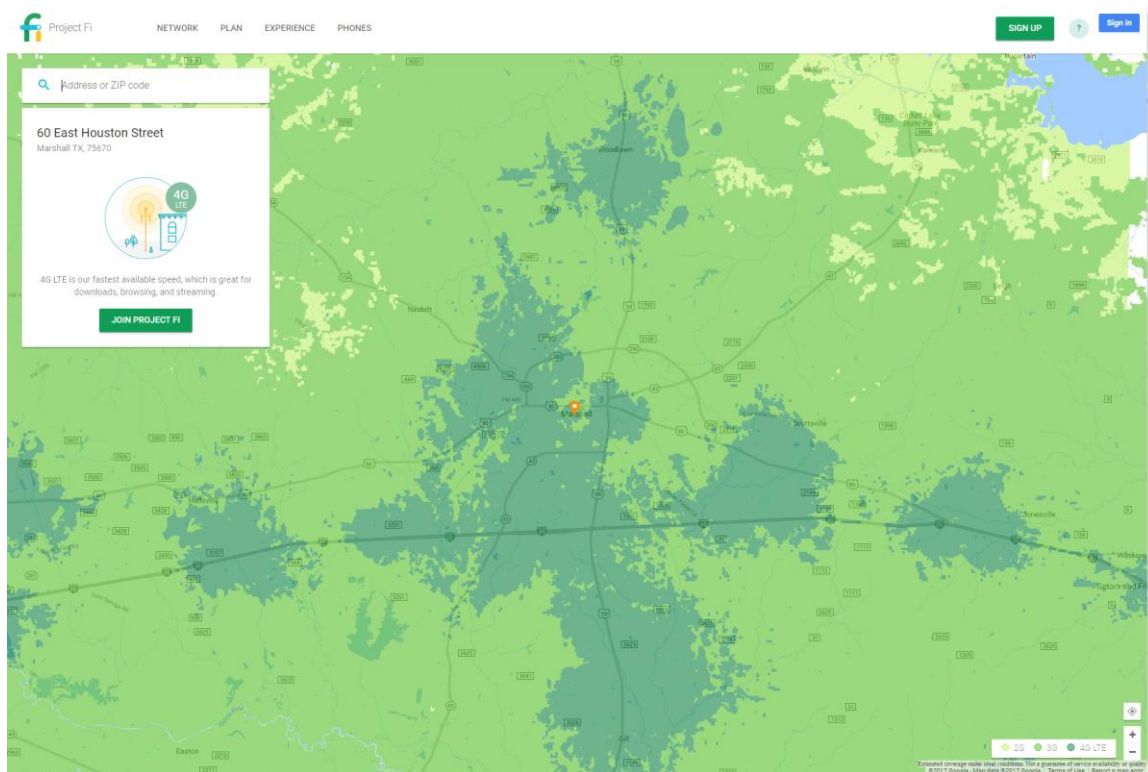
the Eastern District of Texas. For example, traffic conditions between a McDonald's and the Federal Courthouse in Marshall, as shown below.



Source: Product testing

33. Upon information and belief, Defendant has operated and is currently operating its Project Fi business and services in the Eastern District of Texas. Defendant's Project Fi website advertises full coverage in the Eastern District of Texas, as shown below.¹⁹

¹⁹ See <https://fi.google.com/coverage>



Source: Product testing of Google Project Fi Coverage Map *see* fn 21.

34. Upon information and belief, to provide its Project Fi business and services, Defendant leases structures and equipment, including cellular towers, here in the Eastern District of Texas.²⁰

35. Upon information and belief, Defendant charges residents in the Eastern District of Texas local city sales tax for using Defendants’ Project Fi business and services.

36. Upon information and belief, Defendant has operated and is currently operating its Google Maps Street View business and services in the Eastern District of Texas. For example, the image below shows the Google Maps Street View of the Eastern District of Texas courthouse in Marshall.

²⁰ See <https://www.bostonglobe.com/business/2015/04/22/google-unveils-project-mobile-phone-service/eafeSW0bzAFLW8x3gSUprL/story.html>; <https://fi.google.com/about/faq/#network-and-coverage-2>



Source: Google Maps Street View²¹

Furthermore, in the lower right-hand corner of the Google Street View above, the image is credited to Defendant and states that it was captured in June, 2016.



37. Upon information and belief, Defendant operates a Street View car in and around the Eastern District of Texas to provide the Google Maps Street View service.²² Upon information and belief, to operate Street View, Defendant has captured and continues to capture images of almost every stretch of every road in the Eastern District of Texas. This requires Defendant to

²¹ See <https://www.google.com/maps/@32.5447534,-94.3670371,3a,75y,170.99h,76.06t/data=!3m6!1e1!3m4!1smECZXIUfYlR2yu5E-6wj2g!2e0!7i13312!8i6656>

²² See <https://www.google.com/streetview/understand/>

periodically traverse almost every stretch of road in the Eastern District of Texas.²³

38. In addition to the above Google Street View image, upon information and belief, Defendant has operated and continues to operate a fleet of Google Street View vehicles in the Eastern District of Texas, including in the counties of Houston, Trinity, Polk, Angelina, Anderson, VanZandt, Denton, and Collin, as shown below.²⁴

WHERE WE'VE BEEN & WHERE WE'RE HEADED NEXT

The blue areas on the map show where Google has collected Street View. Zoom in for greater detail, or browse this content with our websites and apps. The list shows where we're driving (or Trekking) next. Select a country to browse.

Because of factors outside our control (weather, road closures, etc), it is always possible that our cars may not be operating, or that slight changes may occur. Please also be aware that where the list specifies a particular city, this may include smaller cities and towns that are within driving distance.

United States

New York	Richmond, Kings, Queens, New York, Bronx, Rockland, Westchester, Sullivan, Putnam, Orange, Sullivan, Ulster, Dutchess, Columbia, Greene, Albany, Schoharie, Schenectady, Saratoga, Rensselaer, Washington, Warren, Madison, Monroe, Erie	May 2017 – October 2017
North Carolina	New Hanover, Pender, Brunswick, Columbus, Onslow, Halifax, Edgecombe, Nash, Wilson, Franklin, Wake, Johnston	January 2017 – July 2017
Oklahoma	Oklahoma, Cleveland, Lincoln, Tulsa, Wagoner, Okmulgee	February 2017 – July 2017
South Carolina	Richland, Sumter, Calhoun, Lexington	January 2017 – July 2017
Tennessee	Knox, Jefferson, Grainger, Union, Anderson, Rane, Loudon	January 2017 – July 2017
Texas	Houston, Trinity, Polk, Angelina, Anderson, Leon, Madison, Walker, Caldwell, Comal, Guadalupe, Hays, Travis, Williamson, Dallas, Ellis, Johnson, Hood, Tarrant, Rockwall, Rains, VanZandt, Denton, Collin, Hunt	January 2017 – December 2017
Utah	Salt lake, Utah, Wasatch, Davis, Morgan, Summit	May 2017 – August 2017
Virginia	New Kent, Sussex, Hanover, Caroline, Essex, King and Queen, Gloucester, York, King William, Buckingham, Halifax, Patrick, Grayson, Scott, Dickenson, Page	May 2017 – August 2017

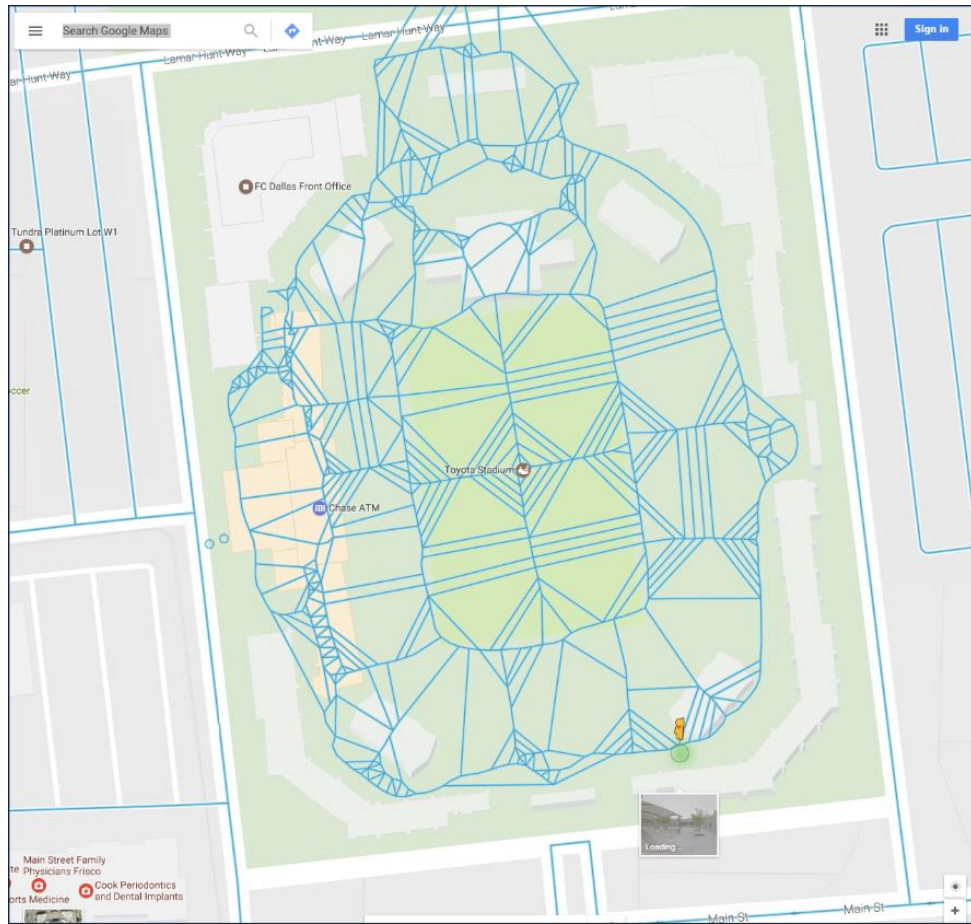
Source: Google Street View website. *See* fn. 25.

39. Upon information and belief, Defendant has not only used cars to image streets in the Eastern District of Texas, but has also used modified backpacks where Defendant's agents or

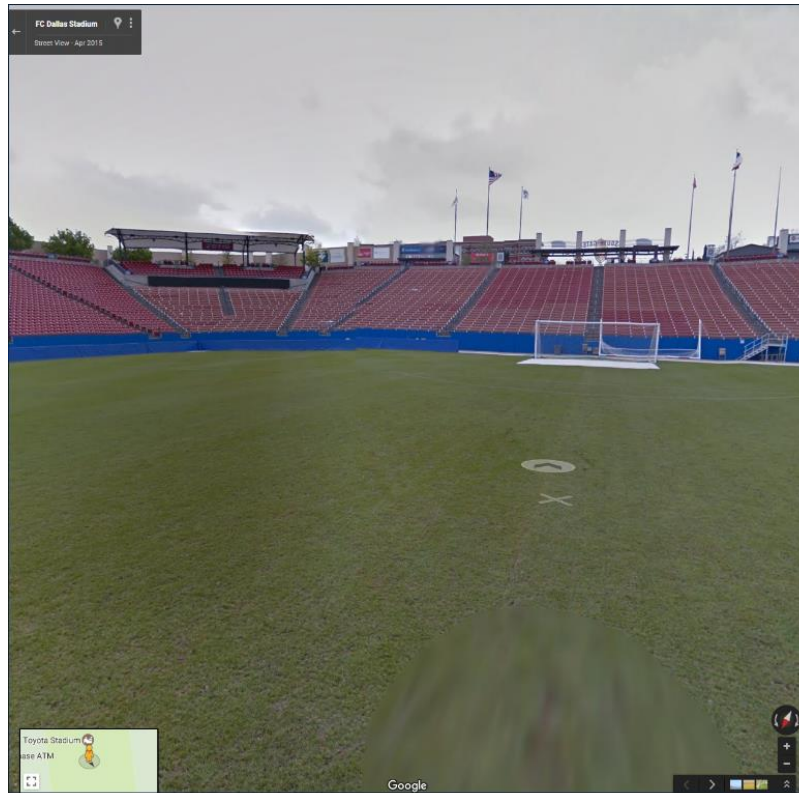
²³ See <https://www.google.com/streetview/understand/#intro>

²⁴ See <https://www.google.com/streetview/understand/#intro>

employees walked around while images were obtained. Below is a non-limiting example of Defendant's imaging of Toyota Stadium in the Eastern District of Texas where each blue line represents a location to view a 360-degree image – including on the field itself.

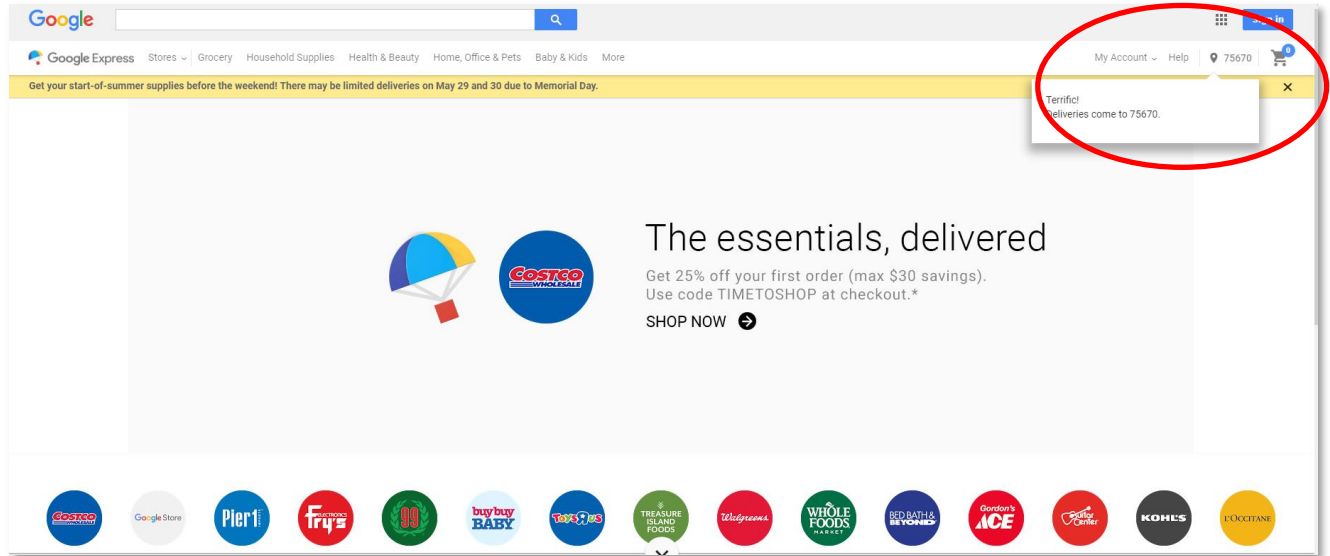


Source: product testing at maps.google.com



Source: product testing at maps.google.com

40. Upon information and belief, Defendant has operated and currently operates its Google Express business and services in the Eastern District of Texas. The image below shows the Google Express website showing that its business and services are available in the Eastern District of Texas.



Source: <https://www.google.com/express/>

41. Upon information and belief, Defendant provides its Google Express business and services to the residents of the Eastern District of Texas by advertising and inviting the residents of the Eastern District of Texas to shop on its Google Express website, then Defendant arranges for a delivery company to bring the goods and products purchased through the Google Express website to the residents of the Eastern District of Texas.²⁵

42. Upon information and belief, Defendant previously leased office space in the Eastern District of Texas for about 50 people through its Frisco, TX office.²⁶

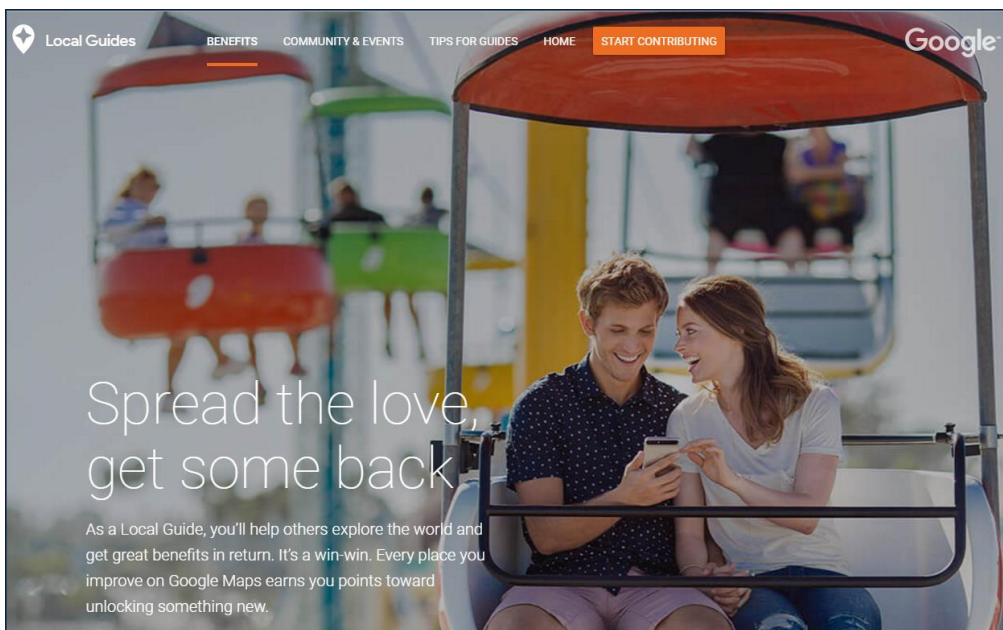
43. Upon information and belief, Google acquired Plano, TX-based QuickOffice.²⁷ QuickOffice was located in the Eastern District of Texas when it was acquired.

44. Upon information and belief, Google has "Local Guides" in the Eastern District of Texas.

²⁵ See <https://support.google.com/express/answer/4561693?hl=en>

²⁶ See <http://www.nodalbits.com/bits/new-google-offices-open-in-frisco-north-dallas-area/>

²⁷ See <https://www.dallasnews.com/business/business/2012/06/06/google-buys-plano-based-quickoffice>



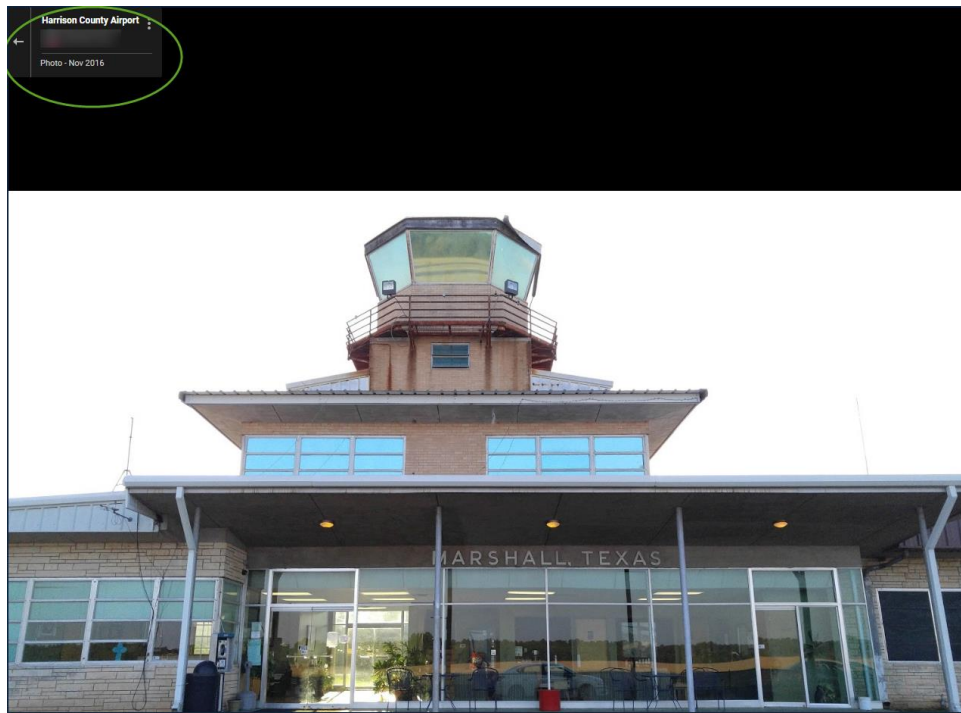
Source: <https://www.google.com/local/guides/benefits/>

45. Upon information and belief, such Local Guides obtain benefits such as obtaining the ability to “test new products before public release”²⁸ and obtaining free cloud storage space in Defendants’ cloud.²⁹

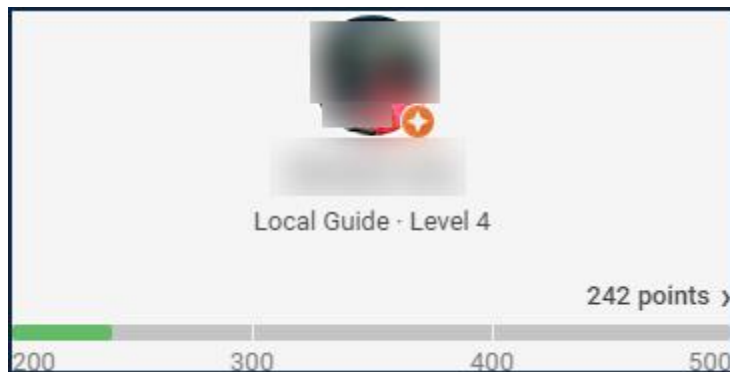
46. Upon information and belief, such Local Guides supply pictures, reviews, and information to obtain such benefits. Below is an example of a picture from a local guide for the airport in Marshall, TX obtained from Defendants’ online map of Marshall, TX.

²⁸ <https://www.google.com/local/guides/benefits/index.html>.

²⁹ <http://www.androidpolice.com/2016/07/07/google-maps-local-guides-cuts-level-4-free-drive-storage-1tb-100gb/>



Source: product testing at maps.google.com, searching Marshall, TX.



JURISDICTION AND VENUE

47. Uniloc incorporates by reference the above paragraphs.
48. 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.
49. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Upon

information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has a regular and established places of business in Texas and 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.

50. 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. 8,724,622)

51. Uniloc incorporates by reference the above paragraphs.

52. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,724,622 ("the '622 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING by inventor Michael J. Rojas that issued on May 13, 2014. A true and correct copy of the '622 Patent is attached as Exhibit A hereto.

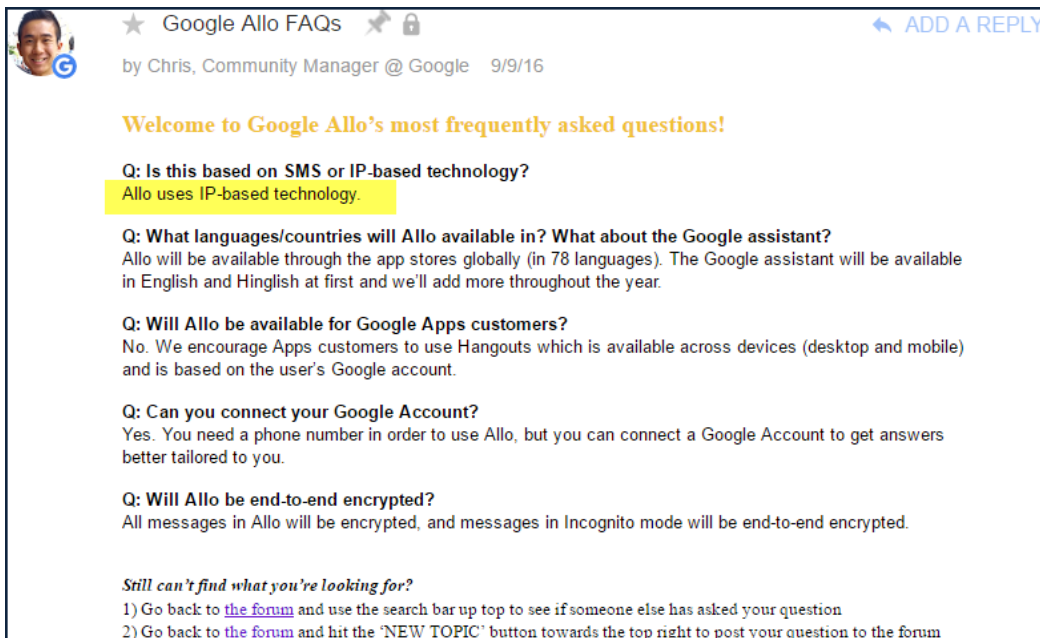
53. Uniloc USA is the exclusive licensee of the '622 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

54. Defendant has marketed and currently markets a voice and mobile messaging application (or "app") under the name "Allo" which can be downloaded to a mobile device through sites such as Google Play and the Apple App Store and is also pre-installed and sold on certain mobile devices. Defendant also has systems that support Allo.

55. Upon information and belief, the following describes, at least in part, how certain aspects of a representative sample of Defendant's Allo app and associated system work.

56. Google has an instant voice messaging system for delivering instant messages over a packet-switched network. This instant voice message system client is called Allo.



57. Allo is an IP-based technology as opposed to SMS.



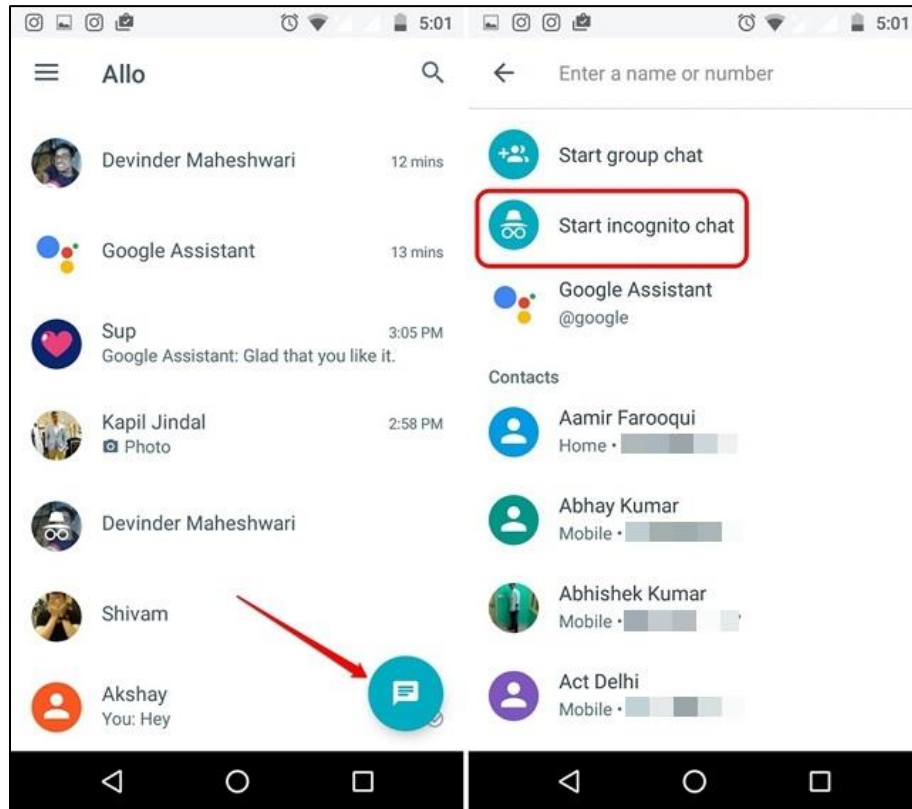
Source: <https://productforums.google.com/forum/#!topic/allo/Vz6aQ4jZcUQ>

58. A chat in Allo may be started as detailed below:

Start a chat

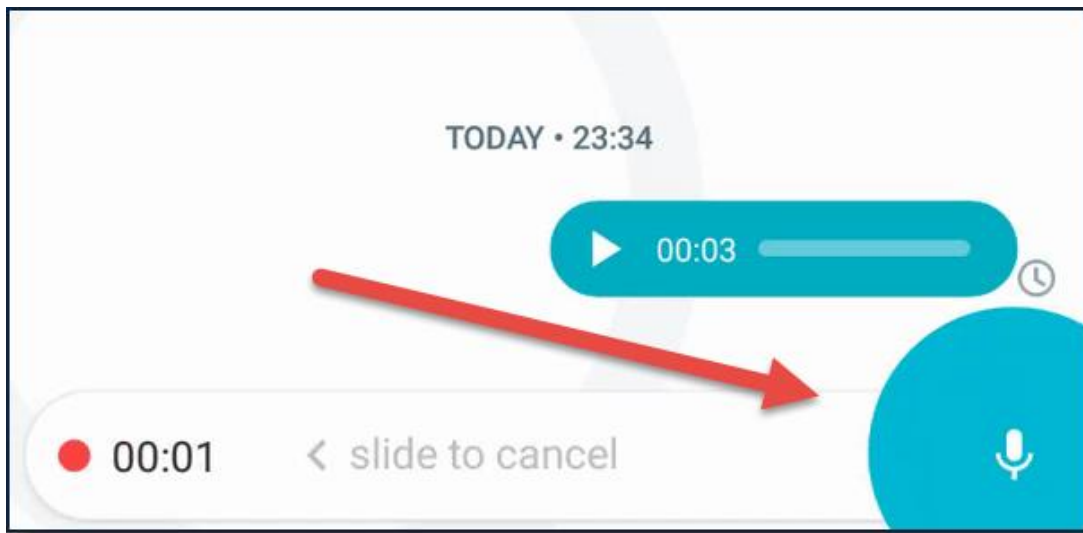
1. Open Allo > New Chat .
2. From the Contacts list, tap the name of the person who you want to chat with. You can also search for the person's name or number.
 - a. **Allo contacts:** Contacts who have Allo or can be reached using [an app preview message](#).
 - b. **Phone contacts:** Contacts who don't have Allo. You can invite your friends to use Allo or chat with them using an [SMS message](#).
3. For phone contacts, choose an option:
 - a. **Invite:** Your default SMS app will open with a pre-loaded invitation message that you can edit if you want.
 - b. **SMS:** Choose one of the following:
 - **Chat or Add via SMS:** Create a group chat or send your Allo message through a free [SMS message](#) using Google. Your contact can respond to you directly through the SMS message.
 - **Invite to Allo:** Ask a friend to download Allo. Your default SMS app will open with a pre-loaded invitation message.
4. Type or edit your message, and tap Send .

Source: https://support.google.com/allo/answer/6376089?hl=en&ref_topic=6376118



Source: <http://beebom.com/how-use-google-allo-smart-messaging-app/>

59. In Allo, one may hold down the microphone icon to record an audio message as detailed below:



Source: <http://www.androidpolice.com/2016/08/20/exclusive-google-allos-voice-messaging-interface-looks-awesome-eery-resemblance-whatsapps/>

60. Certain indicators, detailed below, show whether the message has been sent and read.

See if message has been sent & read

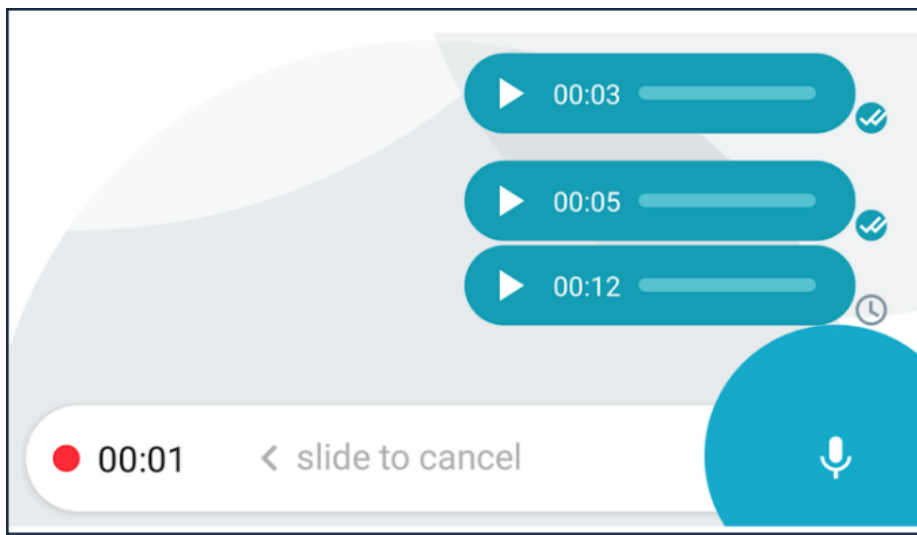
You can find the status of a message you sent on Allo on the right side of the message.

This will only work if you sent the message to Allo users. If you've invited non-Allo users and are messaging them outside of the app, you may not see the message delivery indicators.

- **Sending** 🕒: The message is still being sent.
- **Sent** ☑️: The message was sent to Google servers.
- **Delivered** 📩: The recipient received the message.
- **Read** 👁️: The recipient has read your message. Tap the message to find out what time it was read.

Note: In group messages, the status will update when all contacts receive or read your message.

Source: https://support.google.com/allo/answer/7078190?hl=en&ref_topic=6376094



Source: <http://www.androidpolice.com/2016/08/20/exclusive-google-allos-voice-messaging-interface-looks-awesome-ery-resemblance-whatsapps/>

61. Allo conversations are stored on Google servers.

See, delete, or clear your chat history

Your Allo conversations are stored on Google's servers or on your device.

When you delete conversations or clear your history within conversations, the messages will be deleted from Google's servers and on your own device. The messages won't be deleted or cleared on the devices of the people you chatted with.

To delete your chats with your Google Assistant, you'll need to [delete the activity in your one-on-one chat setting with your Google Assistant](#).

Source: <https://support.google.com/allo/answer/6383728>

62. Defendant has directly infringed, and continues to directly infringe one or more claims of the '622 Patent, including at least Claim 3 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 one or more versions of the Allo app and associated system during the

pendency of the '622 Patent which software and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein digitized audio files are transmitted between a plurality of recipients on a packet switched network and a list of one or more currently potential recipients is displayed on the device.

63. In addition, should Defendant's Allo app and associated system be found to not literally infringe one or more claims of the '622 Patent, Defendant's accused products and associated system would nevertheless infringe one or more claims of the '622 Patent, including at least Claim 3, under the doctrine of equivalents. More specifically, the accused Allo app and associated system perform substantially the same function (instant voice messaging), in substantially the same way (via digitized audio files in a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

64. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '622 Patent, including at least Claim 3, in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, or importing the Allo app and associated system. Defendant's customers who obtain and use the Allo app and associated system and operate such app in accordance with Defendant's instructions directly infringe one or more of the claims of the '622 Patent in violation of 35 U.S.C. § 271.

65. Defendant instructs its customers in the use of the Allo app, directly and indirectly, through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

<https://support.google.com/>

<https://itunes.apple.com/us/app>

<https://play.google.com/store>

www.youtube.com

Defendant is thereby liable for infringement of the '622 Patent under 35 U.S.C. § 271(b).

66. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '622 Patent, including at least Claim 3, in this judicial district and elsewhere in the Texas by, among other things, contributing to the direct infringement by others including, without limitation customers using the Allo app and associated 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 '622 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

67. For example, the Allo app and associated system are a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Allo app and associated system are 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. Defendant is therefore, liable for infringement under 35 U.S.C. § 271(c).

68. Defendant will have been on notice of the '622 Patent since at least the service of this complaint upon Defendant. 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 actual infringement of one or more claims of the '622 Patent, including at least Claim 3.

69. Defendant may have infringed the ‘622 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of its Allo app and associated system. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 8,199,747)

70. Uniloc incorporates by reference the above paragraphs.

71. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,199,747 (“the ‘747 Patent”), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING by inventor Michael J. Rojas that issued on June 12, 2012. A true and correct copy of the ‘747 Patent is attached as Exhibit B hereto.

72. Uniloc USA is the exclusive licensee of the ‘747 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.

73. Defendant has directly infringed, and continues to directly infringe one or more claims of the ‘747 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 one or more versions of the Allo app and associated system during the pendency of the ‘747 Patent which software and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein digitized audio files are transmitted between a plurality of recipients on a packet switched network and a list of one or more currently potential recipients is displayed on the device.

74. In addition, should Defendant's Allo app and associated system be found to not literally infringe one or more claims of the '747 Patent, Defendant's accused products and associated system would nevertheless infringe one or more claims of the '433 Patent, including at least Claim 1, under the doctrine of equivalents. More specifically, the accused Allo app and associated system perform substantially the same function (instant voice messaging), in substantially the same way (via digitized audio files in a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

75. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '747 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, or importing the Allo app and associated system. Defendant's customers who obtain and use the Allo app and associated system and operate such app in accordance with Defendant's instructions directly infringe one or more of the claims of the 747 Patent in violation of 35 U.S.C. § 271.

76. Defendant instructs its customers in the use of the Allo app, directly and indirectly, through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

<https://support.google.com/>

<https://itunes.apple.com/us/app>

<https://play.google.com/store>

www.youtube.com

Defendant is thereby liable for infringement of the 747 Patent under 35 U.S.C. § 271(b).

77. Defendant has indirectly infringed and continues to indirectly infringe one or more

claims of the '747 Patent, including at least Claim 1, in this judicial district and elsewhere in the Texas by, among other things, contributing to the direct infringement by others including, without limitation customers using the Allo app and associated 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 747 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

78. For example, the Allo app and associated system are a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Allo app and associated system are 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. Defendant is therefore, liable for infringement under 35 U.S.C. § 271(c).

79. Defendant will have been on notice of the 747 Patent since at least the service of this complaint upon Defendant. 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 actual infringement of one or more claims of the '747 Patent, including at least Claim i.

80. Defendant may have infringed the '747 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of its Allo app and associated system. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

PRAYER FOR RELIEF

81. Uniloc requests that the Court find in its favor and against Defendant, and that the Court grant Uniloc the following relief:

- (A) that Defendant has infringed the '622 Patent and the '747 Patent;
- (B) awarding Uniloc its damages suffered as a result of Defendant's infringement of the '622 Patent and the '747 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 '622 Patent and the '747 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

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

Dated: June 1, 2017

Respectfully submitted,

/s/ James L. Etheridge

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