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

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,	§ § §	CIVIL ACTION NO. 2:17-cv-00483
Plaintiffs,	§ § §	**JURY TRIAL DEMANDED**
v.	§ §	
KIK INTERACTIVE, INC.,	§ §	
Defendant.	§ § §	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), as and for their original complaint against defendant, Kik Interactive, 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 Canadian corporation having a principal place of business at 420 Weber Street North, Suite I, Waterloo, Ontario N2L 4E7, Canada 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 Kik Messenger app and its associated system.

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

6.   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 Kik Messenger app and services that infringe the patents-in-suit. Defendant's websites solicit users and does business directly with residents of the Eastern District of Texas to download the Kik Messenger app and create a user account; create a contact list of friends, family, as well as business contacts; participate in interactive messaging with other users; and participate in interactive video conferencing with other users. Further, Defendant encourages its users to earn Defendant's proprietary cryptocurrency through direct interactions, including but no limited to directing users to: watching ads, hosting a group chat, creating a sticker, building a bot. In other words, Defendant accepts "payment" from its users in the Eastern District of Texas through the above examples, as Ted Livingston, founder and CEO explained: "And how that makes money for Kik is, we create a new cryptocurrency for Kik such that there's only going to be so much of it. And we set some of that aside for us. So that if more and more people transact in this cryptocurrency, the value of it grows."[1]

7.   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

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[1] See http://www.cnbc.com/2017/05/25/kik-launches-ethereum-blockchain-cryptocurrency-kin-token.html; http://www.kik.com/blog/announcing-kin-a-cryptocurrency-for-an-open-future/

Texas through its highly interactive websites and its other software and services, including the accused instrumentalities. Each of Defendant's products or services and actions described in this Original Complaint shows Defendant intended and continues to intend for residents of the Eastern District of Texas to use and interact directly with these highly interactive products, services, and websites.

8.   Upon information and belief, Defendant's Kik Messaging app and its associated system has over 15 million monthly active users, with about 64 percent of Kik's active users living in the United States, including residents of the Eastern District of Texas. Further, over a quarter of a billion messages are sent on Kik every day, and on average Kik users spend 37 minutes and send 55 messages daily on Defendant's platform. Moreover, on Defendant's bot platform, over 187,000 bots have been created by third-party developers.[2]

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

Source: http://www.kik.com/features/

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[2] See https://kin.kik.com/Kin%20Whitepaper%20v1.pdf
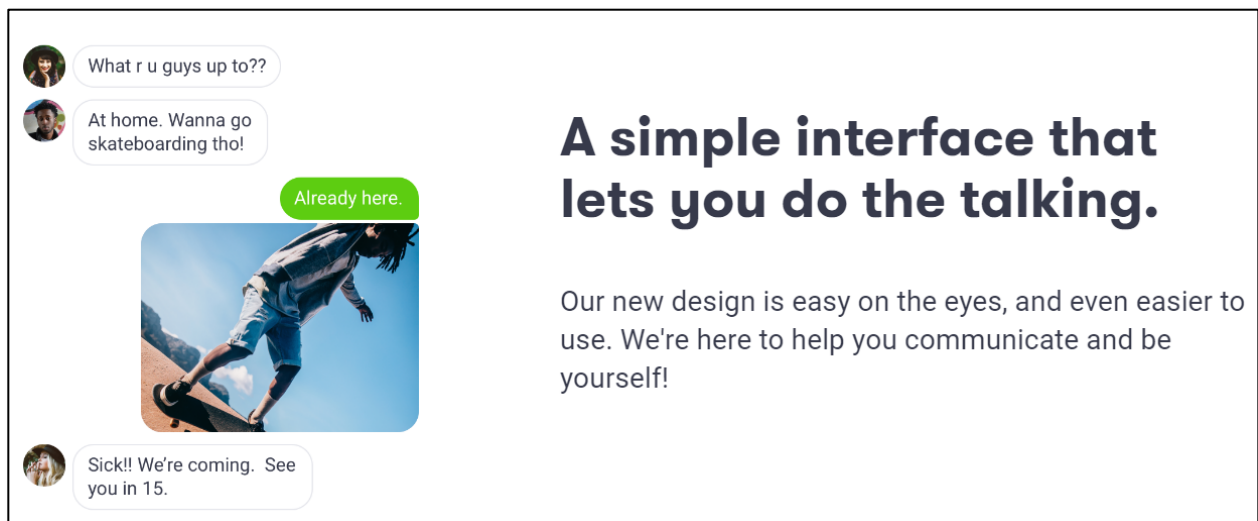
Using Video Chat

Video Chat is a great way to chat with your friends face to face.

To start or join a Video Chat in either a private group or with one of your friends:

1. Open the chat with the group or person you want to Video Chat with
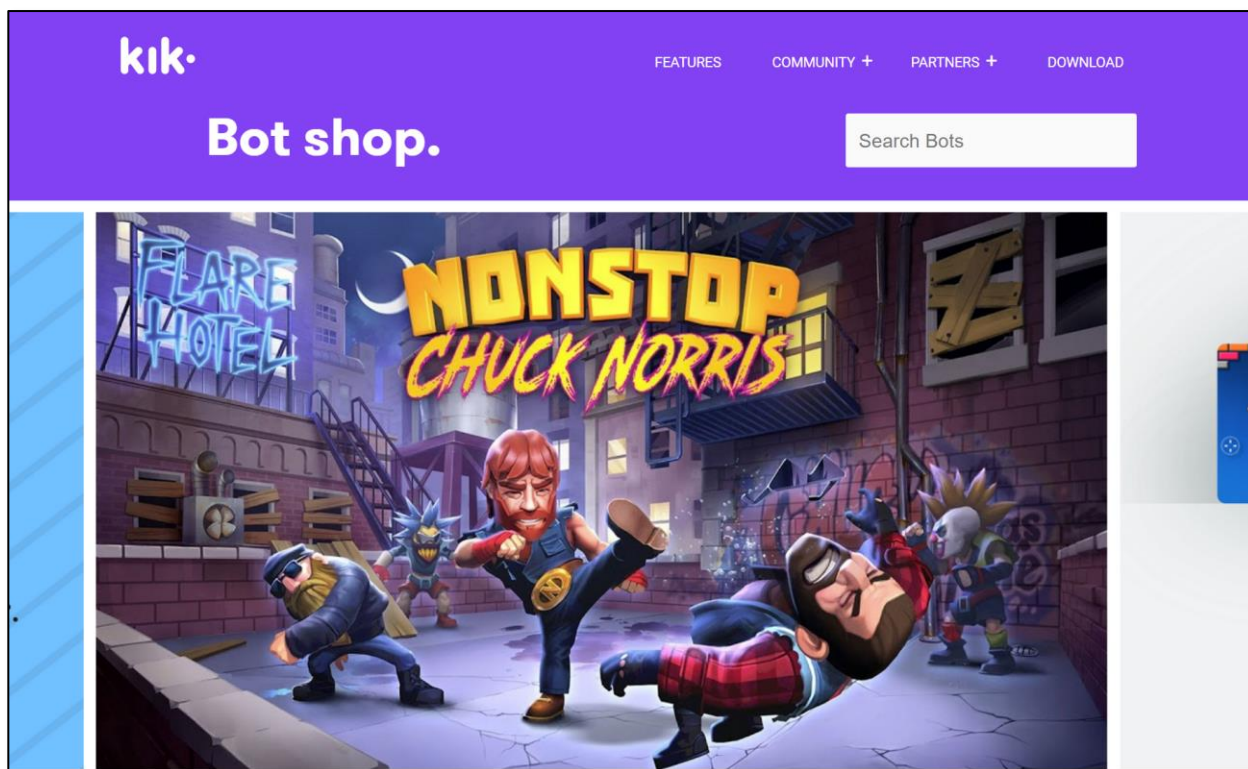2. In the top right corner, tap the **Video Chat toggle**

When you start or join the Video Chat, you'll see your Video Chat bubble pop up.

To leave a Video Chat, you can tap the Video Chat toggle to turn it off.

Once you have Video Chat toggled on in a chat, you won't be able to switch to another chat until you turn off the Video Chat.

Swipe left to enter full screen video chat!

Source: https://kikinteractive.zendesk.com/hc/en-us/articles/115005902627-Using-Video-Chat

Source: http://www.kik.com/bots/

10.   Upon information and belief, another way Defendant's highly interactive website directly interacts with users in the Eastern District of Texas by asking for the cell phone number of the residents of the Eastern District of Texas, as shown below.

Source: https://kik.co/download
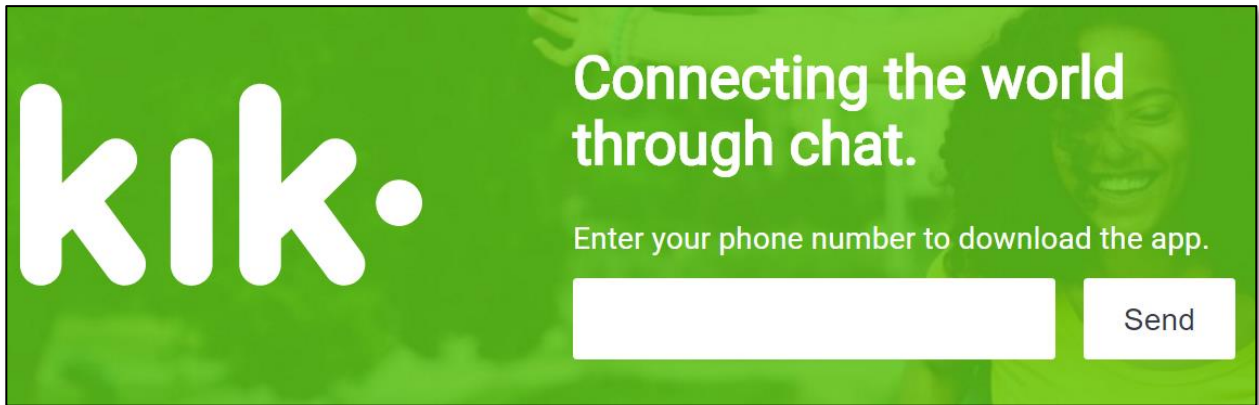
11.   Upon information and belief, another way Defendant's highly interactive website and highly interactive Kik Messenger app and its associated systems directly interacts with users in the Eastern District of Texas by soliciting users to develop bots for the Kik Messenger platform, which involves directly interacting with users on at least two or more platforms as shown below.

How do I start making a bot?

So you want to build a bot? Number one: we're excited! Number two: we've made it simple to get started. All you have to do is:

1. Download the Kik app from the App Store or Google Play Store (if you've already downloaded it, head on over to the next step).
2. Visit dev.kik.com on desktop.
3. Open the Kik app on your device and pull down from the top of your main chats list to open the scanner.
4. Scan the Kik Code on dev.kik.com
5. Our trusty setup bot, Botsworth, will send you a message on Kik. Follow its prompts to set up you bot's username, display name, and profile picture.
6. Head on over to the API docs to learn more about building your bot.
7. Build your bot!
8. Have questions along the way? Our Bots Team is happy to help. You can reach them here.
9. And finally, submit your bot to the Bot Shop when you're happy with what you've built and want us to take a look. You can select 'Submit' in Bot Shop Settings when you've logged into dev.kik.com.

Source: https://botsupport.kik.com/hc/en-us/articles/225764528-How-do-I-start-making-a-bot-

12.   Upon information and belief, another way Defendant's highly interactive Kik Messenger app and its associated systems directly interact with residents of the Eastern District of Texas is through its Kin cryptocurrency, a non-limiting set of ways Defendant directly interacts with users in the Eastern District of Texas is described below.

Today, we are announcing Kin, a cryptocurrency built on top of the Ethereum blockchain. (**Read our Kin white paper** <u>here</u>.) By integrating Kin into our chat app Kik, we hope to spark the creation of a new ecosystem of digital services that is open, sustainable, and compelling. It will be an ecosystem in which developers link arms to compete with the giants together, building a better future for society while also making money.
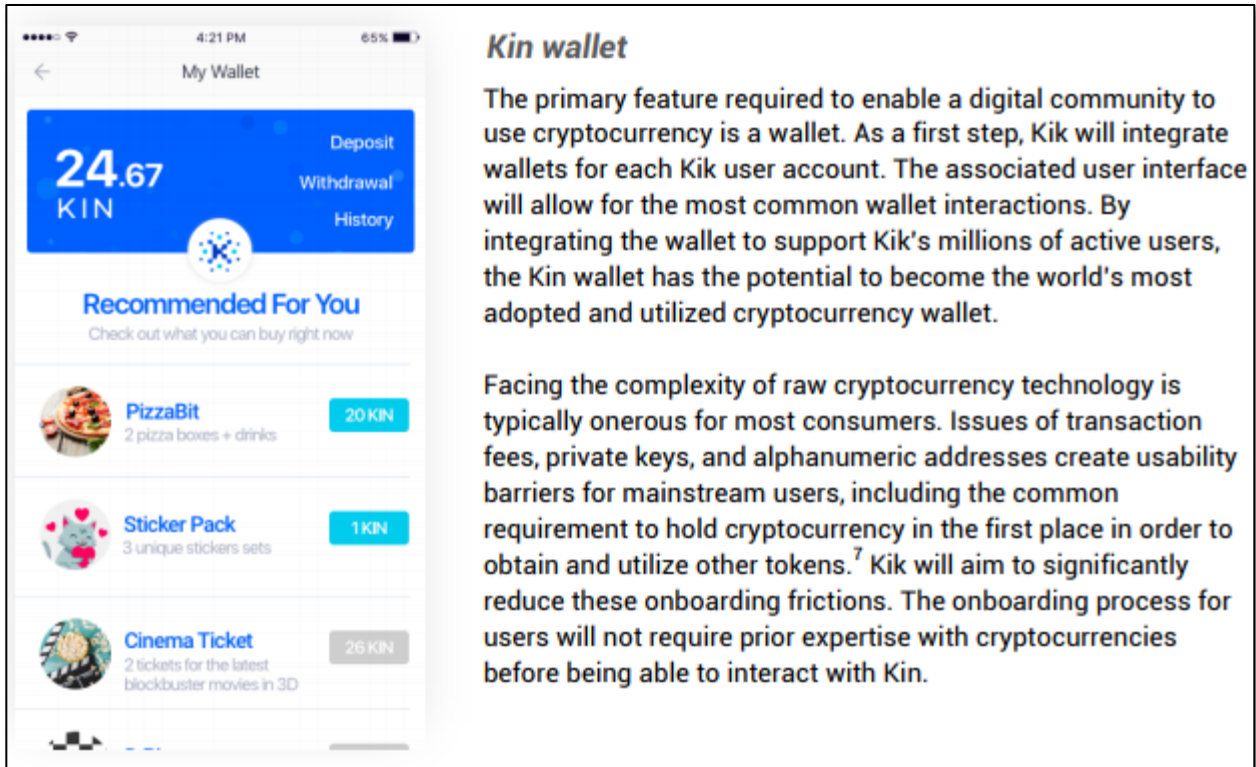
Once we have established the new cryptocurrency, we will create demand for it by encouraging people to earn and spend Kin within Kik, which is used by millions of people every day. Since 2014, we have experimented with a digital currency called Kik Points, which allowed people to earn points by watching ads. They could then spend those points on digital items, such as stickers or emoji. Despite its intentional limitations, Kik Points saw a transaction volume three times higher than Bitcoin's. As the default currency inside Kik, Kin will go far beyond Kik Points by allowing people to participate in an economy based on buying and selling stickers, hosting and joining group chats, creating and using bots, and much more.

Source: http://www.kik.com/blog/announcing-kin-a-cryptocurrency-for-an-open-future/

An earnable currency

One of the most compelling features of Kik Points was that users were not required to purchase them. Instead, millions of mainstreamers were able to earn Kik Points simply by performing valuable actions.

As Kik expands its economy to include cryptocurrency that holds real value both inside and outside of the chat application, the economic possibilities for users are vastly enhanced. This makes it possible to transform attention, curation, and creation into real-world value simply by having a smartphone.

Kin wallet

The primary feature required to enable a digital community to use cryptocurrency is a wallet. As a first step, Kik will integrate wallets for each Kik user account. The associated user interface will allow for the most common wallet interactions. By integrating the wallet to support Kik's millions of active users, the Kin wallet has the potential to become the world's most adopted and utilized cryptocurrency wallet.

Facing the complexity of raw cryptocurrency technology is typically onerous for most consumers. Issues of transaction fees, private keys, and alphanumeric addresses create usability barriers for mainstream users, including the common requirement to hold cryptocurrency in the first place in order to obtain and utilize other tokens.[7] Kik will aim to significantly reduce these onboarding frictions. The onboarding process for users will not require prior expertise with cryptocurrencies before being able to interact with Kin.

Source: https://kin.kik.com/Kin%20Whitepaper%20v1.pdf

13.   Upon information and belief, Defendant intends for the cryptocurrency itself to be both a direct and indirect way that Defendant interacts with all residents of the Eastern District of Texas, regardless of whether or not they are users.
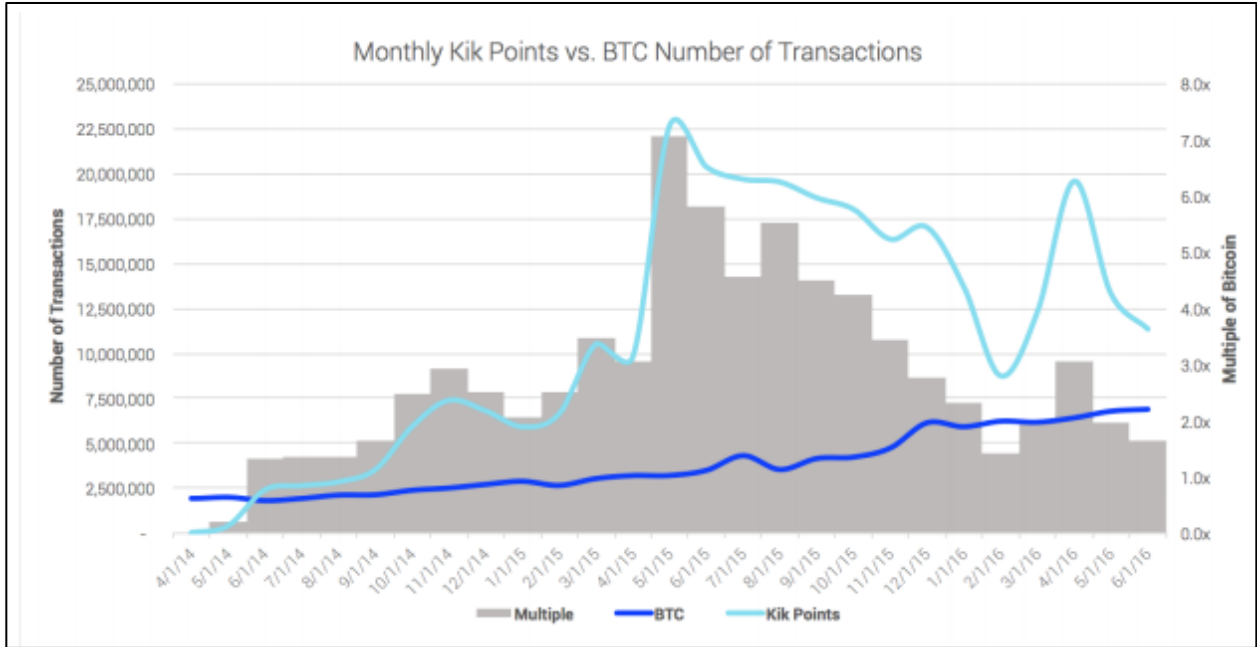
8

> While Kik will initially be the only service using Kin, our ultimate vision is that our chat app will be just one of thousands of services in the Kin ecosystem. To maximize the chances of success, we're dedicating the majority of Kin to a rewards system that will provide a financial incentive for developers. Each day, using an algorithm that reflects each service's contribution, the Kin Rewards Engine will divvy up a set amount of Kin among all the services in the ecosystem. We think this mechanism will provide a powerful way to compensate developers and creators without relying on advertising. In time, it can create a network effect: as the daily reward increases in value, more developers will join, there will be more Kin transactions, Kin itself will become more valuable, and in turn the daily reward will be worth even more. This will lead to a virtuous cycle in which the ecosystem grows in both size and quality.
>
> To oversee this entire ecosystem and make sure that it is fair and democratic, we are creating the Kin Foundation. The foundation, which will be independent and not for profit, will operate the Kin Rewards Engine and manage the key operational aspects of the community, including transaction services and a decentralized user identity. Its presence will provide assurance that people can participate in a Kin economy that is not – and can never be – monopolized by a giant company. It's like Mozilla for the mobile era, but with payments built in.

**Source**: http://www.kik.com/blog/announcing-kin-a-cryptocurrency-for-an-open-future/

14.   Upon information and belief, Defendant experimented with a transactional unit of account within the Kik Messenger application from 2014-2016. During a 2.5-year period, Kik users, including residents of the Eastern District of Texas, completed 253 million offers and spent the points earned on 74 million purchases. The Kik Points experiment generated an average transaction volume of 300,000 transactions per day for its lifetime from 2014 through 2016, reaching 2.6 million transactions per day at the peak. On average, the monthly number of transactions was nearly three times that of the Bitcoin network. [3]

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[3] See https://kin.kik.com/Kin%20Whitepaper%20v1.pdf

Source: https://kin.kik.com/Kin%20Whitepaper%20v1.pdf

15.   Upon information and belief, on Defendant's Kik Messaging platform alone, Defendant intends to directly interact with users in the Eastern District of Texas by at least the ways shown below.
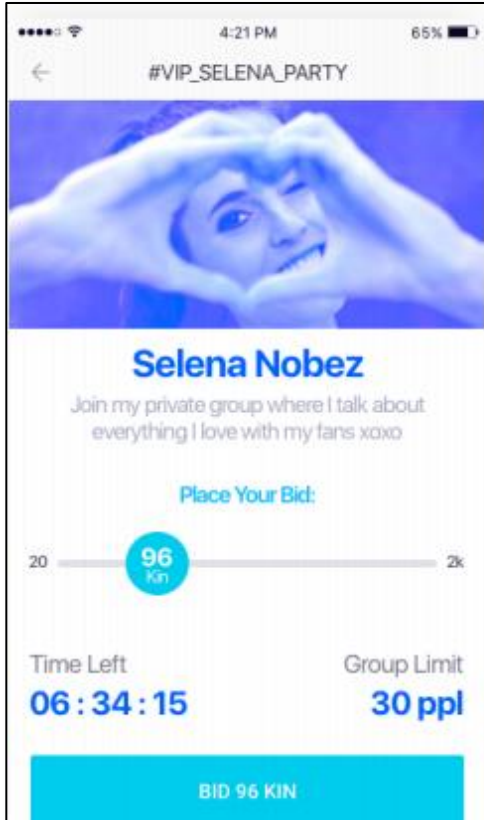
Example use case: VIP groups

This example demonstrates how users can monetize their popularity within Kik. Today, Kik allows any user to access any public group focused on topics of their choice. The initiating user has the ability to moderate the discussion and to set forth rules that govern the group. VIP groups is a possible feature that allows "influencer" users to create premium, exclusive groups that require a paid entrance fee. Celebrities and thought leaders could use this feature as a platform for engaging their communities, while generating tangible value for their time and attention.

This is an example of a VIP group bidding screen. The screen shows a user deciding how much he or she wants to bid for a chance to join a Selena Nobez private group, which is limited to 30 people.

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Example use case: Premium user-generated content

The Kin economy can be used to incentivize content creation by rewarding its creators. By allowing anyone to create content and earn Kin, Kik expects to encourage more users to participate and create content. This open market of content will incentivize competition for higher-quality content and ultimately create a better community. The "hidden" content feature shown here allows a creator to earn Kin by sharing audio, video, and pictures that are hidden until other users pay to unlock them.

In this example, the creator is charging 2 Kin for a new piece of media. Group members can spend Kin to play the song. If they forward it to others (even after paying), those users will need to pay as well. Virally shared, such content makes it possible for creators to be well-rewarded for their work.
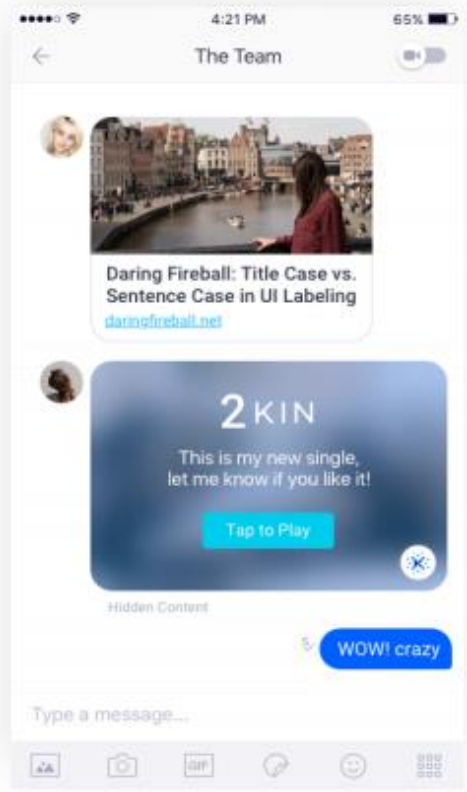

Example use case: Shoutout messages

Can users decide how much Kin to spend to gain attention of others, and how much they are willing to earn to give attention to others? This model is fundamentally different from the traditional model, where app owners manage who is notified on which action (in-app push notification) and is detached from any value. In this example, Kin allows users to promote messages and ping all group members instantly for a payment. Users who receive a shoutout will earn Kin at the same time.

This is an example of a user sending a shoutout message to the group. The user is letting everyone know about a new server created for the Halo Wars 2 game. Members of the group will now see this message on top of the chat for 30 seconds.
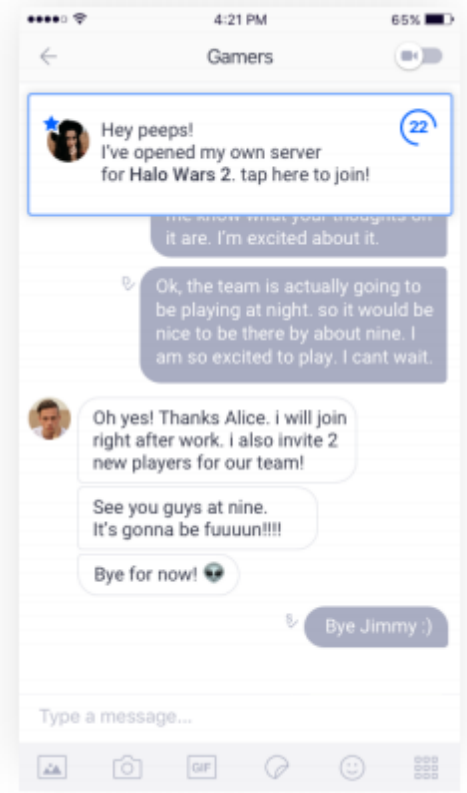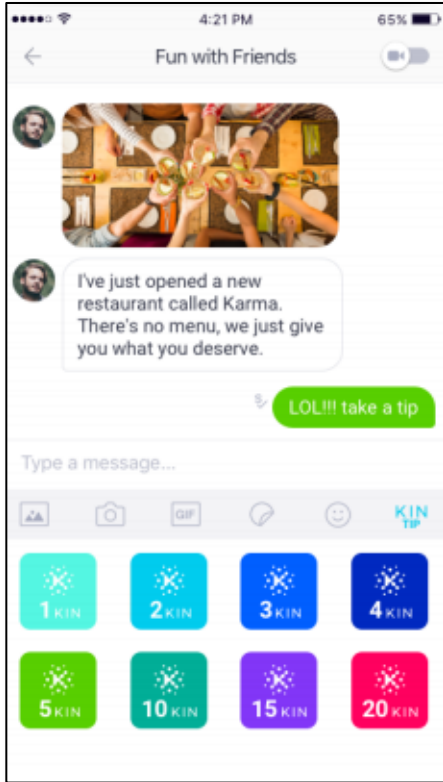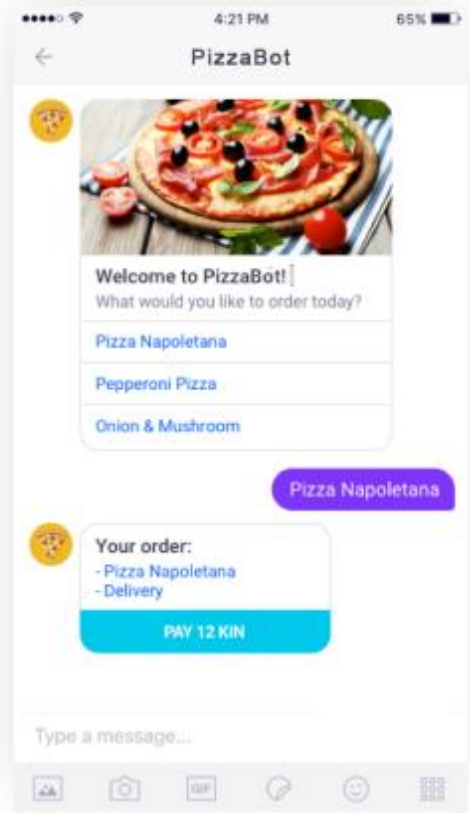
Example use case: Tipping

This example demonstrates creation and sharing of content within the Kik ecosystem. Users are allowed to reward others for content they like.
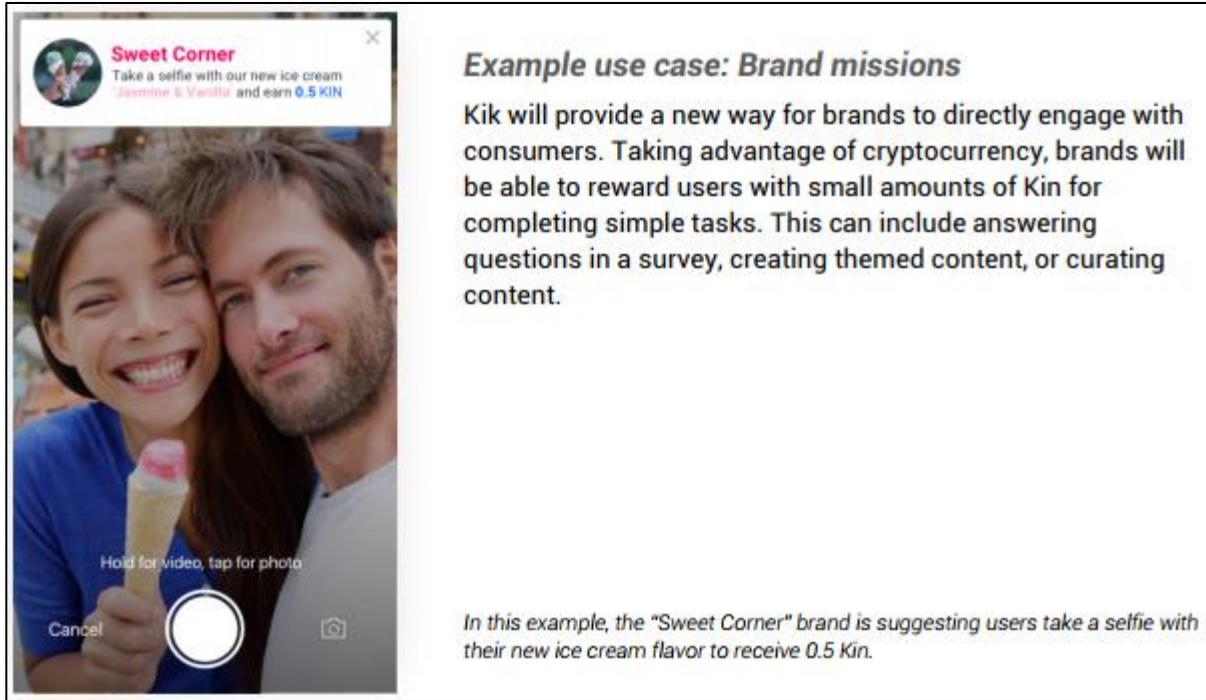
In this example, a member just wrote a funny joke. The correspondent likes this content and sends a tip using one of the tipping options.

Example use case: Bot monetization

Bots can perform services, order food for delivery, or operate games that offer in-game purchases such as creative assets, gameplays, or other media.

This example illustrates how a bot can be used for pizza delivery. The bot and the user are chatting about what kind of pizza the user wants. After the selection is made, the pizza bot charges the user 12 Kin.

Example use case: Brand missions

Kik will provide a new way for brands to directly engage with consumers. Taking advantage of cryptocurrency, brands will be able to reward users with small amounts of Kin for completing simple tasks. This can include answering questions in a survey, creating themed content, or curating content.

In this example, the "Sweet Corner" brand is suggesting users take a selfie with their new ice cream flavor to receive 0.5 Kin.

Source: https://kin.kik.com/Kin%20Whitepaper%20v1.pdf

16.   Upon information and belief, one way Defendant is financing the Kin cryptocurrency roadmap is by conducting a token distribution event that will offer for sale, including to residents of the Eastern District of Texas, one trillion units out of a 10 trillion unit total supply of Kin. The proceeds of the token distribution event will be used to fund Kik operations and to deploy the Kin Foundation. A portion of the funds raised in the token distribution will be used to execute upon the roadmap of additional feature development planned for the Kin integration into Kik. As of the conclusion of the sale, the distributed Kin will constitute the entirety of the available liquid supply. Another three trillion Kin will be preallocated to Kik as the founding member of the Kin Foundation and subject to a long-term vesting schedule. In exchange, Kik will provide startup resources, technology, and a covenant to integrate with the Kin cryptocurrency and brand.[4]

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[4] See https://kin.kik.com/Kin%20Whitepaper%20v1.pdf

17.   Upon information and belief, Defendant 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: device information, log information, friend information, bot chats, Kik Code location, local storage, and cookies and similar technolgoies, as shown and desribed further below.

> **Information we get from your use of our Services.** We collect information to provide you with the Services, to improve your experience using the Services and develop new services. To do this, we collect information about how you use Kik and our other online products and services. In some cases this information will be associated with your Kik username. For example:
>
> - **Device information.** We collect device-specific information such as your hardware model, operating system version, unique device identifiers or advertising IDs, and mobile network information including phone number if applicable.

- **Log information.** When you use our Services, we automatically collect and store certain information in our server logs including details of how you used our Services, such as the date and time a message was sent, the account you were messaging with, and your internet protocol address, as well as third party websites or services you used (your chats with bots as well as your use of GIFs or emojis).
- **Friend information.** If you use our optional suggested friend features or invite friends and family to chat with you on Kik, we may use the information from your mobile device's address book from time to time to connect you with friends and to allow other friends who have you in their address book to find you.

- **Bot chats.** If you chat with bots made by Kik (such as Kik Team or Kik Points), we collect the contents of your conversation to improve your experience and our Services or create new ones. If you are chatting with other bots on Kik, those bot developers may share your conversation with Kik to improve our Services or create new ones.
- **Kik Code location.** If you scan a Kik Code, we may collect information on where it was scanned to ensure that we can deliver products or services to you or limit advertising or promotions to certain geographic areas. For example, if you scan a Kik Code at a restaurant, the code may tell us which table you're sitting at so we can deliver your food to you there. If you scan a Kik Code at a store, it may offer you store or state-specific promotions.

- **Local storage.** We may collect and store information locally on your device using mechanisms such as browser web storage (including HTML 5) and application data caches.
- **Cookies and similar technologies.** We or our service providers (such as analytics providers) may collect, store or recognize some information on your computer or mobile phone from technologies such as cookies and web beacons.

Information shared by others. We may use third-party analytics companies (such as Google Analytics and Nielsen). The information collected by these third-parties may be used for purposes disclosed in their privacy policies, and by us to develop and deliver advertising and promotional content on Kik, our website and on Kik optimized websites.

We may also combine the information described above with other information we collect about you.

Source: https://www.kik.com/privacy-policy/

18.   Upon information and belief, Defendant uses the information collected from users in the Eastern District of Texas in at least the following ways.

HOW WE USE INFORMATION

- **Provide, improve and develop our Services.** We use information we have to deliver and enhance our Services, personalize content, and make suggestions to you. For example, we use some registration information to: (a) set up a profile page for you; and (b) help connect you with friends on Kik (unless you change this in your settings) - if a Kik user has your email or phone number in their phone contacts and uses the suggested friend feature, that person can start chatting with you and can see your profile page.

■ **Communicate with you.** The information we collect lets us keep you posted on Kik's latest product announcements, software updates, upcoming events and any messages you have waiting on Kik if you haven't been active for a while. If you don't want to be on our mailing list, you can opt out anytime by updating your preferences.

■ **Show and measure ads and Services.** We use information to improve our advertising and measurement systems so that we can show you relevant ads on our Services and measure the effectiveness and reach of the ads and services. Learn more about how to control information about you that is used to personalize the ads here.

■ **Promote Safety and Security.** We may use your information, including date of birth, to verify identity, to determine eligibility to use the Services, and to recommend appropriate Services. We also use information for loss prevention and anti-fraud purposes and to enforce our Terms of Service.

Source: https://www.kik.com/privacy-policy/

JURISDICTION AND VENUE

19.   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.

20.   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, has a regular and established places of business in Texas and 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.

21.   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. 8,199,747)

22.   Uniloc incorporates by reference the above paragraphs.

23.   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 A hereto.

24.   The '747 Patent was examined at the United States Patent and Trademark Office for over three years. During examination of the '747 Patent, trained United States Patent Examiners considered at least twenty-four (24) references before determining that the inventions claimed in the '747 Patent deserved patent protection. Such references include, for example, various references from International Business Machines Corporation and Cisco Systems, Inc.

25.   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.

26.   Defendant has marketed and currently markets a voice and mobile messaging application (or "app") under the name "Kik Messenger" for delivering instant messages over a packet-switched network. Kik Messenger can be downloaded to a mobile device through sites such as Google Play, the Apple App Store, the Microsoft App Store, and Amazon app store. Kik has an associated system of servers that service the Kik Messenger

27.   Upon information and belief, the following describes, at least in part, how certain aspects of a representative sample of Defendant's Kik Messenger voice and messaging application work.

28.   The following illustration shows a chat interface provided by Kik Messenger:

Source: https://blog.kik.com/2016/12/19/video-chat-with-your-friends/.
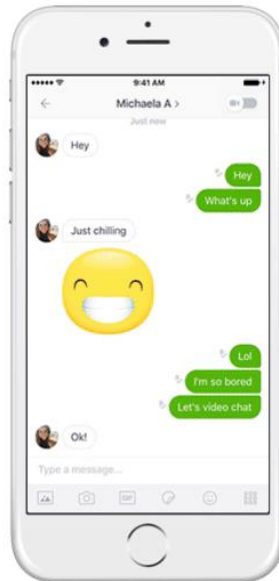
29.   Kik explains that one may engage in a video chat session.

HOW DO I USE VIDEO CHAT?

Video Chat is a great way to chat with your friends face to face.

To start or join a Video Chat in either a private group or with one of your friends:
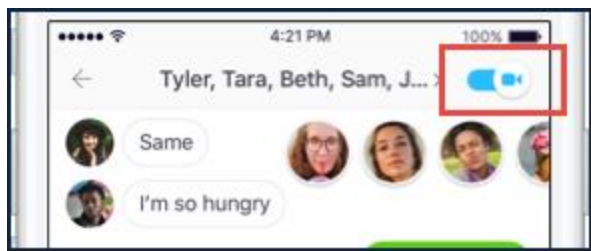
1. Open the chat with the group or person you want to Video Chat with

2. In the top right corner, tap the **Video Chat toggle**

When you start or join the Video Chat, you'll see your Video Chat bubble pop up. Once there are two or more people in the Video Chat, your bubble will be hidden to the right of your screen, but you can always check yourself out by swiping left on the bubbles!

You can mute/unmute anyone in the Video Chat (including yourself) by tapping on the person's Video Chat bubble.

To leave a Video Chat, you can tap the Video Chat toggle to turn it off.

Source: https://kikinteractive.zendesk.com/hc/en-us/articles/115000305107

Source: https://blog.kik.com/2017/02/13/top-5-reasons-why-you-should-download-kik/

Source: https://twitter.com/kik/status/810861199218905088.

30.   Kik explains how one may generate an instant voice message for transmission:
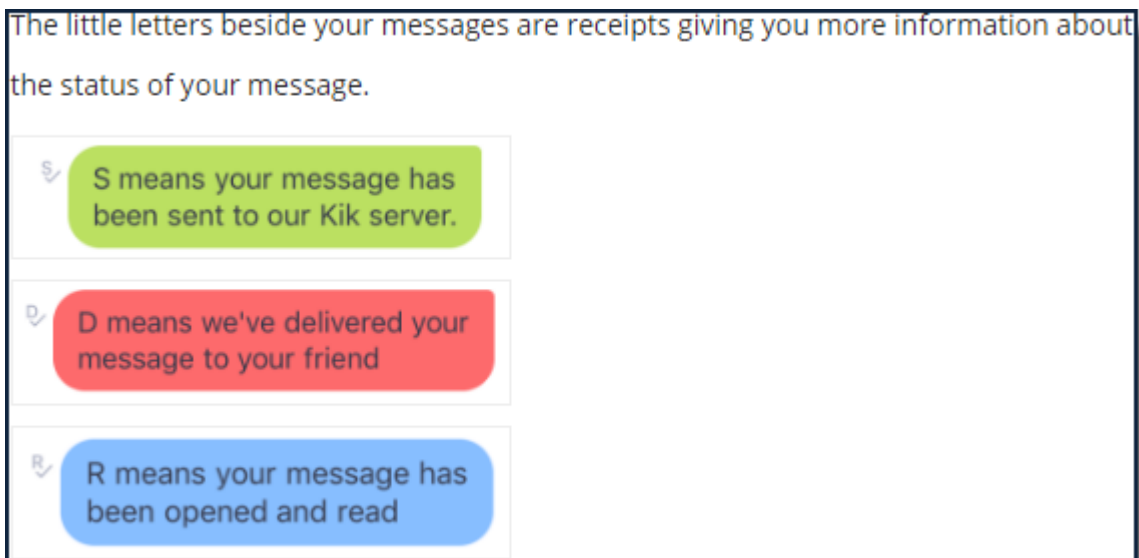
Source: https://kikinteractive.zendesk.com/hc/en-us/articles/217681918-How-do-I-send-video-messages-

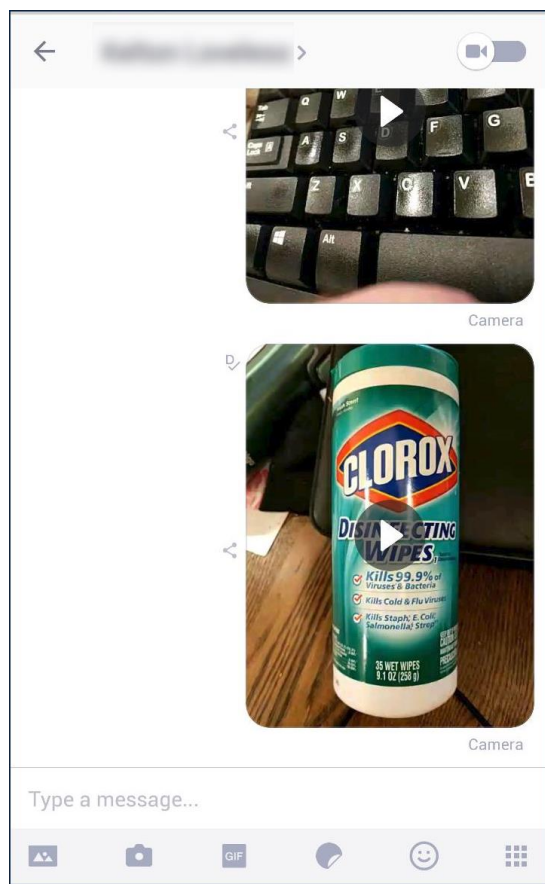31.   The following is an example of taking a video message, which includes voice:

Source: product testing

32.   Kik explains how such a voice message is sent through Kik's system:

Source: https://kikinteractive.zendesk.com/hc/en-us/articles/217681888-What-do-S-D-and-R-mean-

33.   With reference to the indicators in the preceding, the below illustrates a delivered, but unread message:

Source: product testing

Source: https://kikinteractive.zendesk.com/hc/en-us/articles/217681888-What-do-S-D-and-R-mean-

34.   If a particular phone is off, Kik will store the message until the phone is turned on and take delivery.

35.   Kik utilizes servers in the United States for servicing the video and chat messages.

36.   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 accused voice and messaging application and its 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 the instant messages are temporarily stored if an intended message recipient is unavailable and thereafter delivered once the intended recipient becomes available.

37.   In addition, should the accused voice and messaging application and its associated system be found to not literally infringe the claims of the '747 Patent, the accused voice and messaging application and its associated system would nevertheless infringe one or more claims of the '747 Patent, including at least Claim 1, under the doctrine of equivalents. More specifically, the accused voice and messaging application and its associated system performs substantially the same function (instant voice messaging), in substantially the same way (via 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.

38.   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, and/or importation of Defendant's voice and 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 '747 Patent in violation of 35 U.S.C. § 271

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

https://kikinteractive.zendesk.com/hc/en-us/articles/217681918-How-do-I-send-video-messages-

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

40.   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, among other things, contributing to the direct infringement by others including, without limitation customers using the accused voice and messaging application and its 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.

41.   For example, the accused voice and messaging application and its associated system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the accused voice and messaging application and its associated system is a material part of the claimed inventions and upon information and belief

is not a staple article or commodity of commerce suitable for substantial non-infringing use. Defendant is therefore, liable for infringement under 35 U.S.C. § 271(c).

42.   Defendant will have been on notice of the '747 Patent since, at the latest, 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, the infringement one or more claims of the '747 Patent, including at least Claim 1.

43.   Defendant may have infringed the '747 Patent through other software utilizing the same or reasonably similar functionality, including other versions of its voice and messaging app 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 '747 Patent;

(B)   awarding Uniloc its damages suffered as a result of Defendant's infringement of 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 '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

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

Dated: June 7, 2017   Respectfully submitted,

/s/ James L. Etheridge

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