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17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 RIOT GAMES, INC.,
20 Plaintiff,
21 vs.
22 UNILOC USA, INC. and UNILOC
LUXEMBOURG, S.A.,
23 Defendants.

CASE NO.: 8:17-cv-1050

**COMPLAINT FOR
DECLARATORY JUDGMENT OF
NON-INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 9. This Court has personal jurisdiction over Uniloc USA. On information
2 and belief, Uniloc USA is primarily engaged in the business of patent licensing. On
3 information and belief, Uniloc USA has at least thirty-three patent licensees in this
4 State, and has further engaged in extensive settlement and licensing negotiations
5 with entities based in this State. Uniloc USA has filed five patent infringement
6 actions in this District in the past ten years. Uniloc USA has also sued Riot Games,
7 a company with its headquarters within the District. Uniloc USA has also sued
8 Nexon America, Inc., another company with its headquarters within this District, for
9 allegedly infringing the same patents as Riot Games. Furthermore, on information
10 and belief, Uniloc USA maintains a principal place of business in Irvine, California
11 — 4 Park Plaza, Suite 1260, Irvine, CA 92614 — where a significant number of its
12 employees work, including its President and General Counsel as well as members of
13 its Board of Directors.

14 10. This Court also has personal jurisdiction over Uniloc Luxembourg. On
15 information and belief, Uniloc Luxembourg, along with Uniloc USA, is primarily
16 engaged in the business of patent licensing. On information and belief, Uniloc
17 Luxembourg has at least thirty-three patent licensees in this State, and has further
18 engaged in extensive settlement and licensing negotiations with entities based in this
19 State. Uniloc Luxembourg has filed three patent infringement actions in this
20 District in the past six years. Uniloc Luxembourg has also sued Riot Games, a
21 company with its headquarters within the District. Uniloc Luxembourg has also
22 sued Nexon America, Inc., another company with its headquarters within this
23 District, for allegedly infringing the same patents as Riot Games. Furthermore, on
24 information and belief, Uniloc Luxembourg also maintains an office in Irvine,
25 California — 4 Park Plaza, Suite 1260, Irvine, CA 92614 — where a significant
26 number of its employees work, including its Chief Financial Officer and members of
27 its Board of Directors.

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1 11. On information and belief, venue is proper in this Court pursuant to 28
2 U.S.C. § 1391(c) because Uniloc USA resides in this District, and Uniloc
3 Luxembourg is an alien entity and therefore subject to suit in any district.
4 Additionally, on information and belief, Uniloc USA’s President and General
5 Counsel regularly visits and conducts business from the company’s Irvine,
6 California offices, located within the District.

7 **FACTUAL BACKGROUND**

8 12. Uniloc Luxembourg purports to be the owner, by assignment, of U.S.
9 Patent No. 6,110,228 (“the ’228 patent,” attached as Exhibit 1), U.S. Patent No.
10 6,324,578 (“the ’578 patent,” attached as Exhibit 2), U.S. Patent No. 7,069,293 (“the
11 ’293 patent,” attached as Exhibit 3), U.S. Patent No. 6,510,466 (“the ’466 patent,”
12 attached as Exhibit 4), and U.S. Patent No. 6,728,766 (“the ’766 patent,” attached as
13 Exhibit 5) (collectively, the “patents-in-suit”).

14 13. Uniloc USA purports to be the exclusive licensee of the patents-in-suit.

15 14. On April 6, 2017, Uniloc filed suit against Riot Games alleging
16 infringement of the ’228 patent in *Uniloc USA, Inc., et. al., v. Riot Games, Inc.*,
17 Case No. 2:17-cv-00275-JRG (E.D. Tex.).

18 15. On April 7, 2017, Uniloc filed an Original Complaint mistakenly
19 naming Nexon America, Inc. as the sole defendant and alleging infringement of the
20 ’578 patent, the ’293 patent, the ’466 patent, and the ’766 patent in *Uniloc USA,*
21 *Inc., et. al., v. Nexon America, Inc.*, Case No. 2:17-cv-00284-RWS (E.D. Tex.).

22 16. On April 10, 2017, Uniloc filed a First Amended Complaint in Case No.
23 2:17-cv-00284-RWS (E.D. Tex.) amending the named defendant to Riot Games as
24 the sole defendant. Like the Original Complaint, the First Amended Complaint also
25 alleges infringement of the ’578 patent, the ’293 patent, the ’466 patent, and the
26 ’766 patent.

27 17. Section 1400(b) of Title 35 states that “any civil action for patent
28 infringement may be brought in the judicial district where the defendant resides, or

1 where the defendant has committed acts of infringement and has a regular and
2 established place of business.”

3 18. On May 22, 2017, the Supreme Court of the United States announced its
4 decision in *TC Heartland LLC v. Kraft Foods Group Brands LLC*, No. 16-341 (Slip
5 op. May 22, 2017), holding that “[a]s applied to domestic corporations, ‘reside[nce]’
6 in [28 U.S.C.] § 1400(b) refers only to the State of incorporation.”

7 19. Riot Games is not incorporated in the State of Texas, and does not have
8 a regular and established place of business in the Eastern District of Texas.
9 Consequently, venue is improper in the Eastern District of Texas in *Uniloc USA,*
10 *Inc., et. al., v. Riot Games, Inc.*, Case No. 2:17-cv-0275-JRG (E.D. Tex.) and *Uniloc*
11 *USA, Inc., et. al., v. Riot Games, Inc.*, Case No. 2:17-cv-00284-RWS (E.D. Tex.)
12 (collectively, the “Texas Actions”).

13 20. Uniloc has not served its complaint on Riot Games in either of the
14 Texas Actions. If Uniloc effects successful service of its complaint in either or both
15 actions, Riot Games expects to move to dismiss Uniloc’s complaints for improper
16 venue and failure to state a claim.

17 **FIRST CAUSE OF ACTION**

18 **(Declaratory Judgment of Non-Infringement of the ’228 Patent)**

19 21. Riot Games incorporates by reference its allegations contained in
20 paragraphs 1 through 20 of this Complaint as though fully set forth herein.

21 22. Uniloc alleges in *Uniloc USA, Inc., et. al. v. Riot Games, Inc.*, Case No.
22 2:17-cv-00275-JRG (E.D. Tex.) that Riot Games infringes one or more claims of the
23 ’228 patent. Riot Games incorporates by reference the content of Uniloc’s Original
24 Complaint, which is facially deficient, in that it fails to articulate a factual basis for
25 Uniloc’s infringement contentions.

26 23. Riot Games asserts that it does not directly or indirectly infringe any
27 claim of the ’228 patent either literally or under the doctrine of equivalents.

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1 24. Therefore, there exists a substantial controversy between Riot Games
2 and Uniloc, the parties having adverse legal interests, of sufficient immediacy and
3 reality to warrant the issuance of a declaratory judgment that Riot Games has not
4 infringed any claim of the '228 patent.

5 25. An actual and justiciable controversy exists regarding the alleged
6 infringement of the '228 patent by Riot Games. Riot Games accordingly requests a
7 judicial determination of its rights, duties, and obligations with regard to the '228
8 patent.

9 26. A judicial declaration is necessary and appropriate so that Riot Games
10 may ascertain its rights regarding the '228 patent.

11 **SECOND CAUSE OF ACTION**

12 **(Declaratory Judgment of Non-Infringement of the '578 Patent)**

13 27. Riot Games incorporates by reference its allegations contained in
14 paragraphs 1 through 20 of this Complaint as though fully set forth herein.

15 28. Uniloc alleges in *Uniloc USA, Inc., et. al., v. Riot Games, Inc.*, Case No.
16 2:17-cv-00284-RWS (E.D. Tex.) that Riot Games infringes one or more claims of
17 the '578 patent. Riot Games incorporates by reference the content of Uniloc's First
18 Amended Complaint, which is facially deficient, in that it fails to articulate a factual
19 basis for Uniloc's infringement contentions.

20 29. Riot Games asserts that it does not directly or indirectly infringe any
21 claim of the '578 patent either literally or under the doctrine of equivalents.

22 30. Therefore, there exists a substantial controversy between Riot Games
23 and Uniloc, the parties having adverse legal interests, of sufficient immediacy and
24 reality to warrant the issuance of a declaratory judgment that Riot Games has not
25 infringed any claim of the '578 patent.

26 31. An actual and justiciable controversy exists regarding the alleged
27 infringement of the '578 patent by Riot Games. Riot Games accordingly requests a
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1 judicial determination of its rights, duties, and obligations with regard to the '578
2 patent.

3 32. A judicial declaration is necessary and appropriate so that Riot Games
4 may ascertain its rights regarding the '578 patent.

5 **THIRD CAUSE OF ACTION**

6 **(Declaratory Judgment of Non-Infringement of the '293 Patent)**

7 33. Riot Games incorporates by reference its allegations contained in
8 paragraphs 1 through 20 of this Complaint as though fully set forth herein.

9 34. Uniloc alleges in *Uniloc USA, Inc., et. al., v. Riot Games, Inc.*, Case No.
10 2:17-cv-00284-RWS (E.D. Tex.) that Riot Games infringes one or more claims of
11 the '293 patent. Riot Games incorporates by reference the content of Uniloc's First
12 Amended Complaint, which is facially deficient, in that it fails to articulate a factual
13 basis for Uniloc's infringement contentions.

14 35. Riot Games asserts that it does not directly or indirectly infringe any
15 claim of the '293 patent either literally or under the doctrine of equivalents.

16 36. Therefore, there exists a substantial controversy between Riot Games
17 and Uniloc, the parties having adverse legal interests, of sufficient immediacy and
18 reality to warrant the issuance of a declaratory judgment that Riot Games has not
19 infringed any claim of the '293 patent.

20 37. An actual and justiciable controversy exists regarding the alleged
21 infringement of the '293 patent by Riot Games. Riot Games accordingly requests a
22 judicial determination of its rights, duties, and obligations with regard to the '293
23 patent.

24 38. A judicial declaration is necessary and appropriate so that Riot Games
25 may ascertain its rights regarding the '293 patent.

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1 **FOURTH CAUSE OF ACTION**

2 **(Declaratory Judgment of Non-Infringement of the '466 Patent)**

3 39. Riot Games incorporates by reference its allegations contained in
4 paragraphs 1 through 20 of this Complaint as though fully set forth herein.

5 40. Uniloc alleges in *Uniloc USA, Inc., et. al., v. Riot Games, Inc.*, Case No.
6 2:17-cv-00284-RWS (E.D. Tex.) that Riot Games infringes one or more claims of
7 the '466 patent. Riot Games incorporates by reference the content of Uniloc's First
8 Amended Complaint, which is facially deficient, in that it fails to articulate a factual
9 basis for Uniloc's infringement contentions.

10 41. Riot Games asserts that it does not directly or indirectly infringe any
11 claim of the '466 patent either literally or under the doctrine of equivalents.

12 42. Therefore, there exists a substantial controversy between Riot Games
13 and Uniloc, the parties having adverse legal interests, of sufficient immediacy and
14 reality to warrant the issuance of a declaratory judgment that Riot Games has not
15 infringed any claim of the '466 patent.

16 43. An actual and justiciable controversy exists regarding the alleged
17 infringement of the '466 patent by Riot Games. Riot Games accordingly requests a
18 judicial determination of its rights, duties, and obligations with regard to the '466
19 patent.

20 44. A judicial declaration is necessary and appropriate so that Riot Games
21 may ascertain its rights regarding the '466 patent.

22 **FIFTH CAUSE OF ACTION**

23 **(Declaratory Judgment of Non-Infringement of the '766 Patent)**

24 45. Riot Games incorporates by reference its allegations contained in
25 paragraphs 1 through 20 of this Complaint as though fully set forth herein.

26 46. Uniloc alleges in *Uniloc USA, Inc., et. al., v. Riot Games, Inc.*, Case No.
27 2:17-cv-00284-RWS (E.D. Tex.) that Riot Games infringes one or more claims of
28 the '766 patent. Riot Games incorporates by reference the content of Uniloc's First

1 Amended Complaint, which is facially deficient, in that it fails to articulate a factual
2 basis for Uniloc's infringement contentions.

3 47. Riot Games asserts that it does not directly or indirectly infringe any
4 claim of the '766 patent either literally or under the doctrine of equivalents.

5 48. Therefore, there exists a substantial controversy between Riot Games
6 and Uniloc, the parties having adverse legal interests, of sufficient immediacy and
7 reality to warrant the issuance of a declaratory judgment that Riot Games has not
8 infringed any claim of the '766 patent.

9 49. An actual and justiciable controversy exists regarding the alleged
10 infringement of the '766 patent by Riot Games. Riot Games accordingly requests a
11 judicial determination of its rights, duties, and obligations with regard to the '766
12 patent.

13 50. A judicial declaration is necessary and appropriate so that Riot Games
14 may ascertain its rights regarding the '766 patent.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Riot Games prays for a declaratory judgment against Uniloc
17 as follows:

18 A. A declaration that the '228 patent is not and has not been infringed by
19 Riot Games;

20 B. A declaration that the '578 patent is not and has not been infringed by
21 Riot Games;

22 C. A declaration that the '293 patent is not and has not been infringed by
23 Riot Games;

24 D. A declaration that the '466 patent is not and has not been infringed by
25 Riot Games;

26 E. A declaration that the '766 patent is not and has not been infringed by
27 Riot Games;

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1 F. A declaration that Riot Games' case against Uniloc is an exceptional
2 case within the meaning of 35 U.S.C. § 285; and

3 G. An award of costs and attorneys' fees to Riot Games.

4 **JURY DEMAND**

5 Riot Games demands a jury trial on all issues and claims so triable.

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7 DATED: June 15, 2017

Respectfully submitted,

8 QUINN EMANUEL URQUHART &
9 SULLIVAN, LLP

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11
12 By /s/ Yury Kapgan

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