

**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-00534
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
APPLE INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg, S.A. (“Uniloc Luxembourg”) (together, “Uniloc”), as and for their complaint against defendant, Apple Inc. (“Apple”), allege as follows:

**THE PARTIES**

1. 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 USA also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

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

3. Upon information and belief, Apple is a California corporation having a principal place of business in Cupertino, California and regular and established places of business at 2601 Preston Road, Frisco, Texas and 6121 West Park Boulevard, Plano, Texas. Apple offers and sells

its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Eastern District of Texas. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

**JURISDICTION AND VENUE**

4. 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.

**COUNT I**  
(INFRINGEMENT OF U.S. PATENT NO. 6,622,018)

5. Uniloc incorporates paragraphs 1-4 above by reference.

6. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,622,018 (“the ’018 Patent”), entitled PORTABLE DEVICE CONTROL CONSOLE WITH WIRELESS CONNECTION that issued on September 16, 2003. A true and correct copy of the ’018 Patent is attached as Exhibit A hereto.

7. Uniloc USA is the exclusive licensee of the ’018 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.

8. Apple makes, uses, offers for sale and/or sells Apple iOS devices (*e.g.*, Apple Watch, iPhone, iPad, and iPod Touch) which can be equipped with Apple AirPlay, Apple TV Remote Application and Apple Home Application to enable the iOS devices to control remote devices remotely over a wireless connection. The Apple iOS devices are equipped with wireless technology (*e.g.*, Wi-Fi and Bluetooth®) to allow a wireless connection to be made with a remote device. The remote device is then controlled by the iOS device via the wireless connection.

9. Apple makes, uses, offers for sale and/or sells Apple macOS devices (*e.g.*, MacBook, MacBook Air, MacBook Pro, iMac, iMac Pro, Mac Pro and Mac mini) which can be equipped with Apple AirPlay to enable the macOS devices to control remote devices remotely over a wireless connection. The Apple macOS devices are equipped with wireless technology (*e.g.*, Wi-Fi and Bluetooth®) to allow a wireless connection to be made with a remote device. The remote device is then controlled by the macOS device via the wireless connection.

10. Apple has directly infringed, and continues to directly infringe one or more claims of the '018 Patent in the United States during the pendency of the '018 Patent, including at least claims 1-27 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale and/or selling, *inter alia*, the Apple iOS and macOS devices and corresponding software that operate as described above.

11. In addition, should use of the accused devices be found to not literally infringe the asserted claims of the '018 Patent, use of the Apple iOS and macOS devices and corresponding software as described in this Count would nevertheless infringe the asserted claims of the '018 Patent. More specifically, the Apple iOS and macOS devices and corresponding software perform substantially the same function (controlling remote devices with an iOS or macOS device), in substantially the same way (via wireless technology), to yield substantially the same result (remotely controlling other devices). Apple would thus be liable for direct infringement under the doctrine of equivalents.

12. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-27 of the '018 Patent in the United States by, among other things, actively inducing the using, offering for sale and/or selling the Apple iOS and macOS devices and corresponding software having the functionality described in this Count. Apple's customers who use such devices in

accordance with Apple's instructions directly infringe claims 1-27 of the '018 Patent in violation of 35 U.S.C. § 271. Apple directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- [www.apple.com](http://www.apple.com)
- <https://support.apple.com>, including:  
<https://support.apple.com/en-us/HT204289>
- <https://appleid.apple.com>
- <https://itunes.apple.com>
- [www.youtube.com](http://www.youtube.com), including:  
[www.youtube.com/watch?v=rRnvvkBl62k](http://www.youtube.com/watch?v=rRnvvkBl62k)

Apple is thereby liable for infringement of the '018 Patent under 35 U.S.C. § 271(b).

13. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-27 of the '018 Patent by, among other things, contributing to the direct infringement by others including, without limitation, customers using the Apple iOS and macOS devices and corresponding software as described above, 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 '018 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

14. Apple will have been on notice of the '018 Patent since, at the latest, the service of this complaint upon Apple. By the time of trial, Apple will have known and intended (since

receiving such notice) that its continued actions would actively induce the infringement of claims 1-27 of the '018 Patent.

15. Apple may have infringed the '018 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the accused software and devices. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

16. Uniloc has been damaged by Apple's infringement of the '018 Patent.

**PRAYER FOR RELIEF**

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

- (A) declaring that Apple has infringed the '018 Patent;
- (B) awarding Uniloc its damages suffered as a result of Apple's infringement of the '018 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses and interest; and
- (D) granting Uniloc such 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.

Date: July 12, 2017

Respectfully submitted,

/s/ Edward R. Nelson III

Paul J. Hayes (Lead Attorney)  
Massachusetts State Bar No. 227000  
James J. Foster  
Massachusetts State Bar No. 553285  
Kevin Gannon  
Massachusetts State Bar No. 640931  
Dean G. Bostock  
Massachusetts State Bar No. 549747  
Robert R. Gilman  
Massachusetts State Bar No. 645224  
Michael Ercolini  
New York State Bar No. 5029905  
Aaron Jacobs  
Massachusetts State Bar No. 677545  
**PRINCE LOBEL TYE LLP**  
One International Place, Suite 3700  
Boston, MA 02110  
Tel: (617) 456-8000  
Email: phayes@princelobel.com  
Email: jfoster@princelobel.com  
Email: kgannon@princelobel.com  
Email: dbostock@princelobel.com  
Email: rgilman@princelobel.com  
Email: mercolini@princelobel.com  
Email: ajacobs@princelobel.com

Edward R. Nelson III  
ed@nelbum.com  
Texas State Bar No. 00797142  
Anthony M. Vecchione  
anthony@nelbum.com  
Texas State Bar No. 24061270  
**NELSON BUMGARDNER PC**  
3131 West 7<sup>th</sup> Street, Suite 300  
Fort Worth, TX 76107  
Tel: (817) 377-9111  
Fax: (817) 377-3485

**ATTORNEYS FOR THE PLAINTIFFS**