

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

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UNILOC USA, INC. and		§
UNILOC LUXEMBOURG, S.A.,		§
		§
	Plaintiffs,	§
		§
v.		§
		§
		§
LG ELECTRONICS U.S.A., INC.,		§
LG ELECTRONICS MOBILECOMM		§
U.S.A., INC. and		§
LG ELECTRONICS, INC.,		§
		§
	Defendants.	§
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Civil Action No. 4:17-cv-830

PATENT CASE

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendants, LG Electronics U.S.A., Inc., LG Electronics Mobilecomm U.S.A., Inc. and LG Electronics, Inc. (together “LG”), 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 USA 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. LG Electronics U.S.A., Inc. (“LGE”) is a Delaware corporation having a regular and established place of business at 2151-2155 Eagle Parkway, Fort Worth, Texas 76177. LGE offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas. LGE may be served with process through its registered agent for service in Texas: United States Corporation Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. LG Electronics Mobilecomm U.S.A., Inc. (“LGEM”) is a California corporation having a regular and established place of business in San Diego, California. LGEM offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas. LGEM may be served with process through its registered agent for service in Texas: Corporation Service Company d/b/a CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. LG Electronics, Inc. (“LG Korea”) is a corporation organized under the laws of Korea with a principal place of business at LG Twin Tower 128, Yeoui-daero, Yeoungdeungpo-gu, Seoul, Korea. LG Korea is in the business of manufacturing and selling electronic goods, including cellular telephones, tablets, laptops and televisions.

JURISDICTION

6. 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 and 1338(a).

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 8,872,646)

7. Uniloc incorporates paragraphs 1-6 above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,872,646 (“the ’646 Patent”), entitled METHOD AND SYSTEM FOR WAKING UP A DEVICE DUE TO MOTION that issued on October 28, 2014. A true and correct copy of the ’646 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’646 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.

10. LG manufactures, uses, sells, offers for sale and/or imports into the United States electronic watch devices designated Watch Sport, Watch Urbane and Watch Style equipped with motion sensors and software that provide motion-induced wakeup functionality (together “Accused Infringing Devices”).

11. LG has directly infringed, and continues to directly infringe, one or more claims of the ’646 Patent in the United States during the pendency of the ’646 Patent, including at least claims 1, 3, 5-6, 8-9, 11, 13-18 and 20 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

12. Should the Accused Infringing Devices be found to not literally infringe the asserted claims of the ’646 Patent, the Accused Infringing Devices would nevertheless infringe the asserted claims of the ’646 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (waking up a device using motion detecting components such as accelerometers and gyroscopes and associated software), in substantially the same way (using dominant axis gravity-related data), to yield substantially the same result (a device woken up by detected motion). LG would thus be liable for direct infringement under the doctrine of equivalents.

13. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3, 5-6, 8-9, 11, 13-18 and 20 of the '646 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices having the functionality described in this Count. LG's customers who use such devices in accordance with LG's instructions directly infringe claims 1, 3, 5-6, 8-9, 11, 13-18 and 20 of the '646 Patent in violation of 35 U.S.C. § 271. LG 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.lg.com, including:
 - www.lg.com/us/smart-watches/
 - www.lg.com/us/support/
- www.youtube.com, including:
 - www.youtube.com/watch?v=cSYX_WDAN8o
 - www.youtube.com/watch?v=bg6XOo2cHI0
 - www.youtube.com/watch?v=__iwnnVmlz8
 - www.youtube.com/watch?v=w2h-ZtMjuKk
 - www.youtube.com/user/LGMobileHQ

LG is thereby liable for infringement of the '646 Patent under 35 U.S.C. § 271(b).

14. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3, 5-6, 8-9, 11, 13-18 and 20 of the '646 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Infringing Devices, 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 '646 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. LG will have been on notice of the '646 Patent since, at the latest, the service of this complaint upon LG. By the time of trial, LG will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1, 3, 5-6, 8-9, 11, 13-18 and 20 of the '646 Patent.

16. LG may have infringed the '646 Patent through other devices and software utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

17. Uniloc has been damaged by LG's infringement of the '646 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that LG has infringed the '646 Patent;
- (B) awarding Uniloc its damages suffered as a result of LG's infringement of the '646 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: October 13, 2017.

Respectfully submitted,

/s/ Edward R. Nelson III

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