

**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-00708
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
APPLE INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg, S.A. (“Uniloc Luxembourg”) (together, “Uniloc”), 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, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Apple is a California corporation, having a principal place of business in Cupertino, California and regular and established place of business at 2601 Preston Road, Frisco, Texas and 6121 West Park Boulevard, Plano, Texas. Apple offers 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 under 28 U.S.C. §§ 1331, 1332(a), and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Apple has committed acts of infringement in this judicial district and has regular and established places of business in this district, as set forth above.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,736,759)

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

7. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,736,759 (“the ’759 Patent”), entitled EXERCISE MONITORING SYSTEM AND METHODS, which issued on May 18, 2004. A copy of the ’759 Patent is attached as Exhibit A.

8. Uniloc USA is the exclusive licensee of the ’759 Patent, with ownership of all substantial rights, including the right to grant sublicenses, to exclude others, and to enforce and recover past damages for infringement.

9. Apple imports, offers for sale, and sells in the United States electronic watches that incorporate components to monitor and display the device’s location (GPS) and human exercise activity, such as distance traveled. Using watchOS, such devices can be paired to allow a first user to share exercise information wirelessly with a second device. Such electronic Apple

watches are referred to herein as the “Accused Infringing Devices” and include the Series 2, Series 3 and Apple Watch Nike+ models.

10. Apple has infringed, and continues to infringe, claims of the ’759 Patent in the United States, including claims 1, 3-5, 10, 14, 19-20, 22, and 24, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. §271(a).

11. Apple has also infringed, and continues to infringe, claims 1, 3-5, 10, 14, 19-20, 22, and 24 of the ’759 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices. Apple’s customers who use those devices in accordance with Apple’s instructions infringe claims 1, 3-5, 10, 14, 19-20, 22, and 24 of the ’759 Patent, in violation of 35 U.S.C. § 271(a). Apple intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and user guides, such as those located at:

- www.apple.com, including:

<https://www.apple.com/ios/app-store/>

<https://developer.apple.com/ios/>

<https://support.apple.com/en-us/>

<https://developer.apple.com/app-store/product-page/>

<https://www.apple.com/iphone-7/specs/>

- www.youtube.com/user/apple

Apple is thereby liable for infringement of the ’759 Patent under 35 U.S.C. § 271(b).

12. Apple has also infringed, and continues to infringe, claims 1, 3-5, 10, 14, 19-20, 22, and 24 of the ’759 patent by offering to commercially distribute, commercially distributing, or importing the Accused Infringing Devices which devices are used in practicing the processes, or using the systems, of the ’759 patent, and constitute a material part of the invention. Apple

knows portions of the software contained in the Accused Devices and Accused Application to be especially made or especially adapted for use in infringement of the '759 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use.

13. Apple will have been on notice of the '759 Patent since, at the latest, the service of this complaint upon it. By the time of trial, Apple will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 1, 3-5, 10, 14, 19-20, 22, and 24 of the '759 Patent.

14. Apple may have infringed the '759 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices or the Accused Application.

15. Uniloc has been damaged by Apple's infringement of the '759 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Apple:

- (A) declaring that Apple has infringed the '759 Patent;
- (B) awarding Uniloc its damages suffered as a result of Apple's infringement of the '759 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

Date: October 20, 2017

Respectfully submitted,

/s/ Edward R. Nelson III

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