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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNILOC USA, INC. and  
UNILOC LUXEMBOURG, S.A.,

Plaintiffs,

Case No. 2:17-cv-01561

**COMPLAINT FOR PATENT  
INFRINGEMENT**

v.

**JURY TRIAL DEMANDED**

HTC AMERICA, INC.,

Defendant.

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, HTC America, Inc. (“HTC”), 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, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

1 3. HTC is a Washington corporation having a regular and established place of  
2 business at 13920 Southeast Eastgate Way, Bellevue, Washington 98005. HTC offers its  
3 products and/or services, including those accused herein of infringement, to customers and  
4 potential customers located in this judicial district. HTC may be served with process through its  
5 registered agent for service: Cogency Global Inc., 1780 Barnes Blvd. SW, Tumwater,  
6 Washington 98512.

7 **JURISDICTION AND VENUE**

8 4. Uniloc brings this action for patent infringement under the patent laws of the  
9 United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28  
10 U.S.C. §§ 1331 and 1338(a).

11 5. This Court has personal jurisdiction over HTC.

12 6. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b).

13 **COUNT I**

14 (INFRINGEMENT OF U.S. PATENT NO. 6,661,203)

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

16 8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,661,203  
17 (“the ’203 Patent”), entitled BATTERY CHARGING AND DISCHARGING SYSTEM  
18 OPTIMIZED FOR HIGH TEMPERATURE ENVIRONMENTS that issued on December 9,  
19 2003. A true and correct copy of the ’203 Patent is attached as Exhibit A hereto.

20 9. Uniloc USA is the exclusive licensee of the ’203 Patent with ownership of all  
21 substantial rights therein, including the right to grant sublicenses, to exclude others, and to  
22 enforce, sue and recover past damages for the infringement thereof.

23 10. HTC manufactures, uses, sells, offers for sale and/or imports into the United  
24 States rechargeable smartphones designated HTC U11, HTC U Ultra, HTC 10, HTC ONE A9  
25 and HTC ONE M7 and software associated therewith (together “Accused Infringing Devices”).  
26 Upon information and belief, the Accused Infringing Devices provide an apparatus for charging

1 a lithium ion battery that contains a temperature sensor that is positioned to sense the  
2 temperature of the battery. The Accused Infringing Devices further contains a controller that is  
3 coupled to the temperature sensor and the charging circuit. The controller has the ability to  
4 control the charging current in accordance with the temperature and reduce or set the charging  
5 current to zero when the battery reaches a predetermined threshold, as set forth at  
6 <http://www.htc.com/us/support/htc-10/howto/charging-the-battery.html> (“[a]s a safety  
7 precaution, the battery may stop charging to avoid overheating”).

8 11. HTC has directly infringed, and continues to directly infringe, one or more claims  
9 of the '203 Patent in the United States during the pendency of the '203 Patent, including at least  
10 claims 1, 3-7, 16 and 18-22 literally and/or under the doctrine of equivalents, by or through  
11 making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

12 12. Should use of the Accused Infringing Devices be found to not literally infringe  
13 the asserted claims of the '203 Patent, use of the Accused Infringing Devices as described in this  
14 Count would nevertheless infringe the asserted claims of the '203 Patent. More specifically, the  
15 Accused Infringing Devices perform substantially the same function (charging the battery), in  
16 substantially the same way (using a sensor to monitor the temperature of the battery), to yield  
17 substantially the same result (a battery that is charged and undamaged by excessive heat). HTC  
18 would thus be liable for direct infringement under the doctrine of equivalents.

19 13. HTC has indirectly infringed, and continues to indirectly infringe, at least claims  
20 1, 3-7, 16 and 18-22 of the '203 Patent in the United States by, among other things, actively  
21 inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices  
22 having the functionality described in this Count. HTC's customers who use such devices in  
23 accordance with HTC's instructions directly infringe claims 1, 3-7, 16 and 18-22 of the '203  
24 Patent in violation of 35 U.S.C. § 271. HTC directly and/or indirectly intentionally instructs its  
25 customers to infringe through training videos, demonstrations, brochures, installation and/or user  
26 guides such as those located at one or more of the following:

- 1 • www.htc.com, including:
  - 2 www.htc.com/us/accessories/
  - 3 www.htc.com/us/smartphones/
  - 4 www.htc.com/us/support/
  - 5 www.htc.com/buy/u-ultra
- 6 • www.youtube.com, including:
  - 7 www.youtube.com/user/htc

8 HTC is thereby liable for infringement of the '203 Patent under 35 U.S.C. § 271(b).

9 14. HTC has indirectly infringed, and continues to indirectly infringe, at least claims  
10 1, 3-7, 16 and 18-22 of the '203 Patent in this judicial district and elsewhere in the United States  
11 by, among other things, contributing to the direct infringement by others including, without  
12 limitation customers using the Accused Infringing Devices, by making, offering to sell, selling  
13 and/or importing into the United States, a component of a patented machine, manufacture or  
14 combination, or an apparatus for use in practicing a patented process, constituting a material part  
15 of the invention, knowing the same to be especially made or especially adapted for use in  
16 infringing the '203 Patent and not a staple article or commodity of commerce suitable for  
17 substantial non-infringing use.

18 15. HTC will have been on notice of the '203 Patent since, at the latest, the service of  
19 this complaint upon HTC. By the time of trial, HTC will have known and intended (since  
20 receiving such notice) that its continued actions would actively induce the infringement of claims  
21 1, 3-7, 16 and 18-22 of the '203 Patent.

22 16. HTC may have infringed the '203 Patent through other devices and software  
23 utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and  
24 pursue all such additional infringing software and devices.

25 17. Uniloc has been damaged by HTC's infringement of the '203 Patent.  
26

**PRAYER FOR RELIEF**

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

- (A) declaring that HTC has infringed the '203 Patent;
- (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the '203 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.

Dated this 20<sup>th</sup> day of October 2017

Respectfully submitted,

*s/ Al Van Kampen*  
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Al Van Kampen, WSBA No. 13670

*s/ David E. Crowe*  
\_\_\_\_\_  
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ATTORNEYS FOR THE PLAINTIFFS