

**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-00714
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
HUAWEI DEVICE USA, INC. and	§	
HUAWEI DEVICE CO. LTD.,	§	
	§	
Defendants.	§	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, Huawei Device USA, Inc. and Huawei Device Co. Ltd. (together “Huawei”), 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 303, 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).

3. Huawei Device USA, Inc. (“Huawei USA”) is a Texas corporation having a regular and established principal place of business at 5700 Tennyson Parkway, Suite 500, Plano, Texas

75024. Huawei USA 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. Huawei USA may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. Huawei Device Co. Ltd. (“Huawei China”) is a Chinese having a principal place of business Bantian, Longgang District, Shenzhen, 518129 China. Huawei China does business in Texas and in the judicial Eastern District of Texas. Huawei China is in the business of, *inter alia*, manufacturing and selling electronic goods, including smartphones, tablets and laptops sold in this judicial District.

### **JURISDICTION**

5. 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).

6. This Court has personal jurisdiction over Huawei.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(c)(3) and 1400(b).

### **COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,580,422)

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

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,580,422 (“the ’422 Patent”), entitled REMOTE COMPUTER DISPLAY USING GRAPHICS PRIMITIVES SENT OVER A WIRELESS LINK that issued on June 17, 2003. A true and correct copy of the ’422 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '422 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.

11. Huawei makes, uses, offers for sale, sells and/or imports into the United States: (1) Honor 6A, Honor 7X, Honor 8 Pro, Honor V9 Play, Honor 9, Mate 10 Lite, Mate 9, P9 Lite mini, P10, P10 Plus, P10 Lite, Y7, Y7 Prime, Y6, Y5, Nova 2, Nova 2 Plus and Y6II Compact smartphones executing the MirrorShare or AirSharing application; (2) MediaPad M3 Lite, Huawei MediaPad M2, Huawei MediaPad T1, Huawei MediaPad T3 tablets executing the MirrorShare or AirSharing application; and (3) MateBook X, Huawei MateBook D, Huawei MateBook E laptops executing the MirrorShare application (“Accused Infringing Devices”).

12. The Accused Infringing Devices are portable computing devices that incorporate wireless transmitters.

13. The Accused Infringing Devices can send video signals wirelessly to remote devices, such as smart TVs.

14. Upon receipt of the video signals, the remote device (e.g. smart TV) can convert the signals into digital graphical data for display on the TV screen.

15. Huawei has directly infringed, and continues to directly infringe one or more claims of the '422 Patent in the United States during the pendency of the '422 Patent, including at least claims 1, 3, 6, 8-9, 11, 14, 16-17 and 19-21 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale and/or selling the Accused Infringing Devices that operate as described above.

16. In addition, should the Accused Infringing Devices be found to not literally infringe the asserted claims of the '422 Patent, use of the devices would nevertheless infringe the asserted

claims of the '422 Patent. More specifically, the devices perform substantially the same function (transmitting video data between wireless devices), in substantially the same way (via delivery from a wireless device such an Accused Infringing Device to a remote device such as a smart TV), to yield substantially the same result (generating a video display at the remote device). Huawei would thus be liable for direct infringement under the doctrine of equivalents.

17. Huawei has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 6, 8-9, 11, 14, 16-17 and 19-21 of the '422 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale or selling the Accused Infringing Devices. Huawei's customers who use such devices in accordance with Huawei's instructions directly infringe one or more of the foregoing claims of the '422 Patent in violation of 35 U.S.C. § 271. Huawei 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.huawei.com](http://www.huawei.com), including:
  - [www.huawei.com/en/](http://www.huawei.com/en/)
  - [www.consumer.huawei.com/en/phones/](http://www.consumer.huawei.com/en/phones/)
  - [www.consumer.huawei.com/en/tablets/](http://www.consumer.huawei.com/en/tablets/)
  - [www.consumer.huawei.com/en/wearables/](http://www.consumer.huawei.com/en/wearables/)
- <http://download-cl.huawei.com>
- [www.youtube.com](http://www.youtube.com), including:
  - [www.youtube.com/user/huawei](http://www.youtube.com/user/huawei)
  - [www.youtube.com/watch?n1YyiXz8hgc](http://www.youtube.com/watch?n1YyiXz8hgc)
  - [www.youtube.com/watch?xco6AjkTIJ4](http://www.youtube.com/watch?xco6AjkTIJ4)

Huawei is thereby liable for infringement of the '422 Patent under 35 U.S.C. § 271(b).

18. Huawei has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 6, 8-9, 11, 14, 16-17 and 19-21 of the '422 Patent 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 '422 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

19. Huawei will have been on notice of the '422 Patent since, at the latest, the service of this complaint upon Huawei. By the time of trial, Huawei will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of one or more of claims 1, 3, 6, 8-9, 11, 14, 16-17 and 19-21 of the '422 Patent.

20. Huawei may have infringed the '422 Patent through other smart devices and software utilizing the same or reasonably similar functionality as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

21. Uniloc has been damaged by Huawei's infringement of the '422 Patent.

**PRAYER FOR RELIEF**

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

- (A) declaring that Huawei has infringed the '422 Patent;
- (B) awarding Uniloc its damages suffered as a result of Huawei's infringement of the '422 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 26, 2017

Respectfully submitted,

/s/ Edward R. Nelson III

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