

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No.
Plaintiffs,	§	
	§	
v.	§	
	§	
MOTOROLA MOBILITY, LLC,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Motorola Mobility, LLC (“Motorola”), 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. Motorola is a Delaware corporation having a regular and established place of business in Chicago, Illinois. Motorola offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in this judicial district. Motorola may be served with process through its registered agent for service in

Delaware: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

**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 and 1338(a).

5. This Court has personal jurisdiction over Motorola.

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

**COUNT I**  
(INFRINGEMENT OF U.S. PATENT NO. 6,661,203)

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

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

9. Uniloc USA is the exclusive licensee of the ’203 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. Motorola manufactures, uses, sells, offers for sale and/or imports into the United States lines of rechargeable smartphones designated Moto G3, Moto G4, Moto G4 Plus, Moto G Plus (4<sup>th</sup> ed.), Moto G Turbo, Nexus 6, Moto X Force, Moto X Play, Moto X Pure, Moto X Style, New Moto X, Droid Turbo, Droid Turbo 2, Ultra, Droid Maxx 2, Moto Z, Moto Z Play, Moto Z2 Force, Moto Z2 Play, Moto Z Droid, Moto Z Force Droid, Moto Z Play Droid, Maxx and Maxx 2 (together “Accused Infringing Devices”).

11. The Accused Infringing Devices provide an apparatus for charging a lithium ion battery that contains a temperature sensor that is positioned to sense the temperature of the battery. The Accused Infringing Devices further contains a controller that is coupled to the temperature sensor and the charging circuit. The controller has the ability to control the charging current in accordance with the temperature and reduce or set the charging current to zero when the battery reaches a predetermined threshold.

12. Motorola has directly infringed, and continues to directly infringe, one or more claims of the '203 Patent in the United States during the pendency of the '203 Patent, including at least claims 1, 3-6, 16 and 18-21 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

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

14. Motorola has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3-6, 16 and 18-21 of the '203 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. Motorola's customers who use such devices in accordance with Motorola's instructions directly infringe claims 1, 3-6, 16 and 18-21

of the '203 Patent in violation of 35 U.S.C. § 271. Motorola 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.motorola.com](http://www.motorola.com), including:
  - [www.motorola.com/us/products/turbopower](http://www.motorola.com/us/products/turbopower)
- [www.motorola-mobility-en-in.custhelp.com](http://www.motorola-mobility-en-in.custhelp.com)
- <https://motorola-global-portal.custhelp.com/app/answers/>
- <https://download.lenovo.com/Motorola/Manuals/>
- <https://motorolachargers.com/power-charging/>
- <https://forums.lenovo.com>
- <https://help.motorola.com>
- [www.youtube.com](http://www.youtube.com), including:
  - [www.youtube.com/user/motorola](http://www.youtube.com/user/motorola)
  - [www.youtube.com/watch?=-W1Pxjv\\_D30](http://www.youtube.com/watch?=-W1Pxjv_D30)

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

15. Motorola has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3-6, 16 and 18-21 of the '203 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 '203 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

16. Motorola will have been on notice of the '203 Patent since, at the latest, the service of this complaint upon Motorola. By the time of trial, Motorola will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1, 3-6, 16 and 18-21 of the '203 Patent.

17. Motorola may have infringed the '203 Patent through other devices and software utilizing the same or reasonably similar functionality, including other devices having TurboPower 15, 15+, 25 or 30 capability. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

18. Uniloc has been damaged by Motorola's infringement of the '203 Patent.

**PRAYER FOR RELIEF**

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

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

Respectfully submitted,

Date: October 27, 2017

**O'KELLY ERNST & JOYCE, LLC**

*/s/ Sean T. O'Kelly*

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**ATTORNEYS FOR THE PLAINTIFFS**