

**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-00722
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, throughout the United States, including 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 corporation 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 due, *inter alia*, to Huawei’s continuous presence in, and systematic contact with, this District and Huawei USA’s incorporation in Texas.

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

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

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

9. 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.

10. 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.

11. Huawei manufactures, uses, sells, offers for sale and/or imports into the United States smartphones, including the following models: Ascend, Y530Mate 9, Mate 9 Pro, Mate 10, Mate 10 Pro, P10 and P10 Plus (together "Accused Infringing Devices").

12. 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 contain 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.

13. Huawei 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, 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.

14. 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). Huawei would thus be liable for direct infringement under the doctrine of equivalents.

15. Huawei has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3-6, 16, 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. Huawei's customers who use such devices in accordance with Huawei's instructions directly infringe claims 1, 3-6, 16, 18-21 of the '203 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/mate9/power/](http://www.consumer.huawei.com/en/phones/mate9/power/)
- <http://download-cl.huawei.com>
- <https://huawei.trustedreviews.com>
- [www.youtube.com](http://www.youtube.com), including:
  - [www.youtube.com/user/huawei](http://www.youtube.com/user/huawei)
  - [www.youtube.com/watch?v=VcMLNQB4pLo](http://www.youtube.com/watch?v=VcMLNQB4pLo)
  - [www.youtube.com/watch?v=aL8Tchix5-I](http://www.youtube.com/watch?v=aL8Tchix5-I)
  - [www.youtube.com/watch?v=M2jBsQVNXME](http://www.youtube.com/watch?v=M2jBsQVNXME)
  - [www.youtube.com/watch?v=u5KleclbXmQ](http://www.youtube.com/watch?v=u5KleclbXmQ)
  - [www.youtube.com/watch?v=XNVcf4S-2S0](http://www.youtube.com/watch?v=XNVcf4S-2S0)
  - [www.youtube.com/watch?v=nyP48kgmyxU](http://www.youtube.com/watch?v=nyP48kgmyxU)

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

16. Huawei has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3-6, 16, 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. Huawei is thereby liable for infringement of the '203 Patent under 35 U.S.C. § 271(c).

17. Huawei will have been on notice of the '203 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 the infringement of claims 1, 3-6, 16, 18-21 of the '203 Patent.

18. Huawei may have infringed the '203 Patent through other devices and software utilizing the same or reasonably similar functionality as the Accused Infringing Devices. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

19. Uniloc has been damaged by Huawei's infringement of the '203 Patent.

**PRAYER FOR RELIEF**

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

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

Date: November 1, 2017.

Respectfully submitted,

*/s/ Edward R. Nelson III*

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