

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

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.,	§ § § § § § § § § § § § § § §	Civil Action No.
Plaintiffs,		
v.		
WINK LABS, INC.,		
Defendant.		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 defendant, Wink Labs, Inc. (“WLabs”), 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.

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, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. WLabs is a Delaware corporation having a regular and established place of business at 606 W. 28th Street, New York, New York 10001. WLabs offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in this District and elsewhere throughout the United States. WLabs 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 WLabs.

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

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,622,018)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,622,018 (“the ’018 Patent”), entitled PORTABLE DEVICE CONTROL CONSOLE WITH WIRELESS CONNECTION that issued on September 16, 2003. A true and correct copy of the ’018 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’018 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. WLabs manufactures, uses, sells, offers for sale and/or imports into the United States electronic products such as Wink Hub, Wink Hub 2, Wink Replay Touchscreen Controller, Wink Motion Sensor, Wink Door/Window Sensor, Wink Siren and Chime and Wink Smart Home app, that are compatible, *inter alia*, with Bluetooth®, Bluetooth® Low Energy, Kidde, Lutron Clear Connect, WiFi, Z-Wave and Zigbee and communicate with, control and/or connect to, different smart home products sold by third parties that are otherwise incompatible with one another (together “Accused Infringing Devices”).

11. WLabs has directly infringed, and continues to directly infringe, one or more claims of the '018 Patent in the United States during the pendency of the '018 Patent, including claims 1, 6-7 and 9 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

12. Should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the '018 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the '018 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (a first device remotely controlling a second device over a wireless connection), in substantially the same way (using wireless commands to cause the second device to perform a selected function), to yield substantially the same result (performance of the function by the second device). WLabs would thus be liable for direct infringement under the doctrine of equivalents.

13. WLabs has indirectly infringed, and continues to indirectly infringe, claims 1, 6-7 and 9 of the '018 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. WLabs's customers who use such devices in accordance with WLabs's instructions directly infringe claims 1, 6-7 and 9 of the '018 Patent in violation of 35 U.S.C. § 271. WLabs 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.wink.com, including:
 - www.wink.com/about/
 - www.wink.com/products/

www.wink.com/help/products/

status.winkapp.com/

- <https://itunes.apple.com/us/app/wink-smart-home/>
- <https://play.google.com/store/apps/>
- www.youtube.com, including:

www.youtube.com/watch?v=voXdXYgULQs

www.youtube.com/watch?v=msYNLNX0-uU

www.youtube.com/watch?v=45DCIm0UL2A

www.youtube.com/watch?v=m0l3PK3U-G0

www.youtube.com/watch?v=_4KQ7yKoZVw

www.youtube.com/watch?v=VbL-mNG_xvI

www.youtube.com/watch?v=vqAr1uyborU

www.youtube.com/watch?v=B-Azoa415nc

www.youtube.com/watch?v=3MtQNoKdyKE

www.youtube.com/watch?v=5PXoEV0OOFA

www.youtube.com/watch?v=q2UsoMkn2HE

www.youtube.com/watch?v=QLYiUUEiNOA

www.youtube.com/watch?v=GJ4XP_F-678

WLabs is thereby liable for infringement of the '018 Patent under 35 U.S.C. § 271(b).

14. WLabs has indirectly infringed, and continues to indirectly infringe, claims 1, 6-7 and 9 of the '018 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 '018 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. WLabs will have been on notice of the '018 Patent since, at the latest, the service of this complaint upon WLabs. By the time of trial, WLabs will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1, 6-7 and 9 of the '018 Patent.

16. WLabs may have infringed the '018 Patent through other devices and software utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

17. Uniloc has been damaged by WLabs's infringement of the '018 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that WLabs has infringed the '018 Patent;
- (B) awarding Uniloc its damages suffered as a result of WLabs's infringement of the '018 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 15, 2017

Respectfully submitted,

O’KELLY ERNST & JOYCE, LLC

/s/ Sean T. O’Kelly

Sean T. O’Kelly (No. 4349)
Daniel P. Murray (No. 5785)
901 N. Market Street, Suite 1000
Wilmington, DE 19801
Tel: (302) 778-4000
Fax: (302) 295-2873
Email: sokelly@oelegal.com
Email: dmurray@oelegal.com

Of Counsel:

Paul J. Hayes
Massachusetts State Bar No. 227,000
James J. Foster
Massachusetts State Bar No. 553,285
Kevin Gannon
Massachusetts State Bar No. 640,931
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
Tel: (617) 456-8000
Fax: (617) 456-8100
Email: phayes@princelobel.com
Email: jfoster@princelobel.com
Email: kgannon@princelobel.com

ATTORNEYS FOR THE PLAINTIFFS