

**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-00457-JRG
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
APPLE INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their Amended Complaint against defendant, Apple Inc. (“Apple”), 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, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Upon information and belief, Apple is a California corporation having a principal place of business in Cupertino, California and regular and established places of business at 2601 Preston Road, Frisco, Texas and 6121 West Park Boulevard, Plano, Texas. Apple 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. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

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. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). As set forth above, Apple maintains regular and established paces of business in this judicial district. Apple is also deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in Texas and this judicial district as set forth below.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 7,092,671)

6. Uniloc incorporates paragraphs 1-5 above by reference.

7. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,092,671 (“the ’671 Patent”), entitled METHOD AND SYSTEM FOR WIRELESSLY AUTODIALING A TELEPHONE NUMBER FROM A RECORD STORED ON A PERSONAL INFORMATION DEVICE that issued on August 15, 2006. A true and correct copy of the ’671 Patent is attached as Exhibit A hereto.

8. Uniloc USA is the exclusive licensee of the ’671 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.

9. Apple makes, uses and sells computing devices such as iPhones, iPads and Mac devices.

10. iPhones, iPads and Mac devices incorporate one or more wireless communication ports and have the capability of transmitting wirelessly between such devices via WiFi and Bluetooth.

11. iPhones, iPads and Mac devices that incorporate Continuity software allow for a display of stored contact telephone numbers on the iPad screen.

12. iPhones, iPads and Mac devices that incorporate Continuity software allow an iPhone to partner with an iPad or Mac device in order to allow the iPad or Mac device to make and receive telephone calls.

13. Apple has directly infringed, and continues to directly infringe one or more claims of the '671 Patent in the United States during the pendency of the '671 Patent, including at least claims 1-7 and 9-15, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing, *inter alia*, software and devices such as iPhones, iPads and Mac devices that operate as described above.

14. In addition, should use of the accused software and devices be found to not literally infringe the asserted claims of the '671 Patent, use of the iPhones, iPads and Mac devices as described in this Count would nevertheless infringe the asserted claims of the '671 Patent. More specifically, iPhones, iPads and Mac devices perform substantially the same function (making and receiving telephone calls), in substantially the same way (via wireless communication between an iPad or Mac device and an iPhone), to yield substantially the same result (a call requested or received on an iPad or Mac device via communication with an iPhone). Apple would thus be liable for direct infringement under the doctrine of equivalents.

15. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-7 and 9-15 of the '671 Patent in the United States by, among other things, actively inducing the using, offering for sale and/or selling iPads, iPhones and Mac devices having the functionality described in this Count. Apple's customers who use such devices in accordance with Apple's instructions directly infringe claims 1-7 and 9-15 of the '671 Patent in violation of 35 U.S.C. § 271. Apple 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.apple.com
- <https://support.apple.com>
- <https://appleid.apple.com>
- <https://itunes.apple.com>
- www.youtube.com, including

www.youtube.com/watch?v=w87fOAG8fjk

Apple is thereby liable for infringement of the '671 Patent under 35 U.S.C. § 271(b).

16. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-7 and 9-15 of the '671 Patent by, among other things, contributing to the direct infringement by others including, without limitation customers using iPhones, iPads and Mac devices to make and receive telephone calls as described above, 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 '671 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

17. For example, the software in iPhones, iPads and Mac devices that allows their operation as described in this Count is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the software is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Apple is, therefore, liable for infringement under 35 U.S.C. § 271(c).

18. Apple will have been on notice of the '671 Patent since, at the latest, the service of the complaint in this action on June 8, 2017. By the time of trial, Apple will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of claims 1-7 and 9-15 of the '671 Patent.

19. Apple may have infringed the '671 Patent through other software and devices utilizing the same or reasonably similar functionality as described above, including other versions of the accused software and devices. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

20. Uniloc has been damaged by Apple's infringement of the '671 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Apple has infringed the '671 Patent;
- (B) awarding Uniloc its damages suffered as a result of Apple's infringement of the '671 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: August 8, 2017.

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 8, 2017.

/s/ Kevin Gannon
