

**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-00535
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
APPLE INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg, S.A. (“Uniloc Luxembourg”) (together, “Uniloc”), as and for their complaint against defendant, Apple Inc. (“Apple”), allege as follows:

THE PARTIES

1. 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 USA also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. 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. 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 as well as other locations in Texas. Apple offers and

sells 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

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, 1338(a) and 1367.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,161,134)

5. Uniloc incorporates paragraphs 1-4 above by reference.

6. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,161,134 (“the ’134 Patent”), entitled METHOD, APPARATUS AND COMMUNICATION SYSTEM FOR COMPANION INFORMATION AND NETWORK APPLIANCES that issued on December 12, 2000. A true and correct copy of the ’134 Patent is attached as Exhibit A hereto.

7. Uniloc USA is the exclusive licensee of the ’134 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.

8. Apple manufactures, uses, sells, offers for sale and/or imports into the United States electronic devices such as iPhones, iPads, iPods and Mac devices programmed by Apple to run iOS or Mac operating systems that include a “Continuity” capability allowing users, *inter alia*, to make a telephone call from such devices via an iPhone (together “Accused Infringing Devices”).

9. Apple has directly infringed, and continues to directly infringe one or more claims of the ’134 Patent in the United States during the pendency of the ’134 Patent, including at least

claims 1-2, 4-6, 9-13, 15-20, 25-26, 30-35, 37-61, 64-69 and 72-75 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

10. In addition, should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the '134 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the '134 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (making phone calls from devices such as iPads, iPods and Macs), in substantially the same way (using the telephony capabilities of a device such as an iPhone), to yield substantially the same result (providing telephony capability to devices such as iPads, iPods and Macs). Apple would thus be liable for direct infringement under the doctrine of equivalents.

11. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-2, 4-6, 9-13, 15-20, 25-26, 30-35, 37-61, 64-69 and 72-75 of the '134 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. Apple's customers who use such devices in accordance with Apple's instructions directly infringe claims 1-2, 4-6, 9-13, 15-20, 25-26, 30-35, 37-61, 64-69 and 72-75 of the '134 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>, including:
<https://support.apple.com/en-in/HT204681>

- <https://appleid.apple.com>
- <https://itunes.apple.com>
- www.youtube.com, including:
www.youtube.com/watch?v=JDioFOF8BWg

Apple is thereby liable for infringement of the '134 Patent under 35 U.S.C. § 271(b).

12. Apple has indirectly infringed and continues to indirectly infringe at least Claims 1-2, 4-6, 9-13, 15-20, 25-26, 30-35, 37-61, 64-69 and 72-75 of the '134 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 '134 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

13. Apple will have been on notice of the '134 Patent since, at the latest, the service of this complaint upon Apple. By the time of trial, Apple will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1-2, 4-6, 9-13, 15-20, 25-26, 30-35, 37-61, 64-69 and 72-75 of the '134 Patent.

14. Apple may have infringed the '134 Patent through other devices and software utilizing functionality that is the same or reasonably similar to "Continuity." Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

15. Uniloc has been damaged by Apple's infringement of the '134 Patent.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 6,446,127)

16. Uniloc incorporates paragraphs 1-4 above by reference.

17. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,446,127 (“the ’127 Patent”), entitled SYSTEM AND METHOD FOR PROVIDING USER MOBILITY SERVICES ON A TELEPHONY NETWORK that issued on September 3, 2002. A true and correct copy of the ’127 Patent is attached as Exhibit B hereto.

18. Uniloc USA is the exclusive licensee of the ’127 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.

19. Apple manufactures, uses, sells, offers for sale and/or imports into the United States electronic devices such as iPhones, iPads, iPods and Mac devices programmed by Apple to run iOS or Mac operating systems that include a “Continuity” capability allowing users, *inter alia*, to make a telephone call from such devices via an iPhone (together “Accused Infringing Devices”).

20. Apple has directly infringed, and continues to directly infringe one or more claims of the ’127 Patent in the United States during the pendency of the ’127 Patent, including at least claims 1-5, 15, 21-24, 27-28 and 30 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

21. In addition, should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the ’127 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the ’127 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (providing user mobility services to a portable information device, such as an iPad, iPod and Mac), in substantially the same way (using a voice communication device, such as an iPhone), to yield substantially the same result (providing

telephony capability to devices such as iPads, iPods and Macs). Apple would thus be liable for direct infringement under the doctrine of equivalents.

22. Apple has indirectly infringed and continues to indirectly infringe at least claims 1-5, 15, 21-24, 27-28 and 30 of the '127 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. Apple's customers who use such devices in accordance with Apple's instructions directly infringe claims 1-5, 15, 21-24, 27-28 and 30 of the '127 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>, including:
<https://support.apple.com/en-in/HT204681>
- <https://appleid.apple.com>
- <https://itunes.apple.com>
- www.youtube.com, including:
www.youtube.com/watch?v=JDIOFOF8BWg

Apple is thereby liable for infringement of the '127 Patent under 35 U.S.C. § 271(b).

23. Apple has indirectly infringed and continues to indirectly infringe at least Claims 1-5, 15, 21-24, 27-28 and 30 of the '127 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 '127 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

24. Apple will have been on notice of the '127 Patent since, at the latest, the service of this complaint upon Apple. By the time of trial, Apple will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1-5, 15, 21-24, 27-28 and 30 of the '127 Patent.

25. Apple may have infringed the '134 Patent through other devices and software utilizing functionality that is the same or reasonably similar to "Continuity." Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

26. Uniloc has been damaged by Apple's infringement of the '127 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Apple has infringed the '134 Patent and the '127 Patent;
- (B) awarding Uniloc its damages suffered as a result of Apple's infringement of the '134 Patent and the '127 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: July 12, 2017

Respectfully submitted,

/s/ Edward R. Nelson III

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