

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	PATENT CASE
	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC. and SAMSUNG ELECTRONICS	§	
CO. LTD.,	§	
Defendants.	§	JURY TRIAL DEMANDED
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg, S.A. (“Uniloc Luxembourg”) (together, “Uniloc”), for their complaint against defendants, Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co. Ltd. (“SEC”) (together “Samsung”), 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. SEA is a New York corporation having a principal place of business in Ridgefield Park, New Jersey and regular and established places of business in Plano and Richardson, Texas. SEA makes, uses, offers for sale, sells and/or imports into the United States for sale to customers in this judicial district products and services, including those accused of infringement herein. SEA may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

4. SEC is a South Korean corporation having a principal place of business in Seoul, Republic of Korea. SEC makes, uses, offers for sale, sells and/or imports into the United States for sale to customers in this judicial district products and services, including those accused of infringement herein.

JURISDICTION AND VENUE

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 under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(d) and 1400(b). Samsung has committed acts of infringement in this judicial district and SEA has regular and established places of business in this district, as set forth above.

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 6,868,079)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,868,079 (“the ’079 Patent”), entitled RADIO COMMUNICATION SYSTEM WITH REQUEST RE-TRANSMISSION UNTIL ACKNOWLEDGED, which issued on March 15, 2005. A copy of the ’079 Patent is attached as Exhibit A.

9. Uniloc USA is the exclusive licensee of the '079 Patent, with ownership of all substantial rights, including the right to grant sublicenses, to exclude others, and to enforce and recover past damages for infringement.

10. The '079 Patent describes in detail and claims in various ways inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data there between wherein one or more secondary stations is allocated time slots in which to request services from a primary station.

11. The '079 Patent describes problems and shortcomings in the then-existing field of communications between portable devices and describes and claims novel and inventive technological improvements and solutions to such problems and shortcomings. The technological improvements and solutions described and claimed in the '079 Patent were not conventional or generic at the time of their respective inventions but involved novel and non-obvious approaches to the problems and shortcomings prevalent in the art at the time.

12. The inventions claimed in the '079 Patent involve and cover more than just the performance of well-understood, routine and/or conventional activities known to the industry prior to the invention of such novel and non-obvious systems and devices by the '079 Patent inventor.

13. The inventions claimed in the '079 Patent represent technological solutions to technological problems. The written description of the '079 Patent describes in technical detail each of the limitations of the claims, allowing a person of ordinary skill in the art to understand what the limitations cover and how the non-conventional and non-generic combination of claim elements differ markedly from and improved upon what may have been considered conventional or generic.

14. Samsung imports, uses, offers for sale, and sells in the United States electronic devices that implement 3G and LTE standards. Such devices include those listed in the attached Exhibit B (collectively “Accused Infringing Devices”).

15. The Accused Infringing Devices are used in communications systems wherein one device is a primary device that allocates time slots to one or more secondary devices in which the secondary device(s) may request services from the primary device.

16. Samsung has infringed, and continues to infringe, claims of the '079 Patent in the United States, including claims 17-18, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. § 271(a).

17. Samsung has also infringed, and continues to infringe, claims 17-18 of the '079 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices. Samsung's customers who use those devices in accordance with Samsung's instructions infringe claims 17-18 of the '079 Patent, in violation of 35 U.S.C. § 271(a). Samsung intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and user guides, such as those located at one or more of the following:

- <https://www.samsung.com/us/support/downloads/>
- http://downloadcenter.samsung.com/content/UM/201708/20170822042936979/UNL_SM-G950U1_GS8_EN_UM_N_7.0_051817_FINAL_AC.PDF

NL_SM-G950U1_GS8_EN_UM_N_7.0_051817_FINAL_AC.PDF

Samsung is thereby liable for infringement of the '079 Patent under 35 U.S.C. § 271(b).

18. Samsung has also infringed, and continues to infringe, claims 17-18 of the '079 patent by offering to commercially distribute, commercially distributing, or importing the Accused Infringing Devices which devices are used in practicing the processes, or using the systems, of the '079 patent, and constitute a material part of the invention. Samsung knows

portions of the Accused Devices to be especially made or especially adapted for use in infringement of the '079 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Samsung is thereby liable for infringement of the '079 Patent under 35 U.S.C. § 271(c).

19. Samsung will have been on notice of the '079 Patent since, at the latest, the service of this complaint upon it. By the time of trial, Samsung will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 17-18 of the '079 Patent.

20. Samsung may have infringed the '079 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

21. Uniloc has been damaged by Samsung's infringement of the '079 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Samsung:

- (A) declaring that Samsung has infringed the '079 Patent;
- (B) awarding Uniloc its damages suffered as a result of Samsung's infringement of the '079 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

Date: February 23, 2018

Respectfully submitted,

/s/ Edward R. Nelson, III

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