1 The Honorable James L. Robart 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 9 UNILOC USA, INC. and Case No. 2:17-cv-01558-JLR UNILOC LUXEMBOURG, S.A., (Lead Case) 10 Plaintiffs, 11 Case No. 2:17-cv-01562-JLR 12 v. AMENDED COMPLAINT 13 14 HTC AMERICA, INC., JURY DEMAND 15 Defendant. 16 17 As Federal Rule of Civil Procedure 15(a)(1)(B) permits amendment as a matter of course 18 within 21 days after service of a motion under Rule 12(b), Plaintiffs, Uniloc USA, Inc. and 19 Uniloc Luxembourg, S.A. (together, "Uniloc"), amend their earlier Complaint against 20 defendant, HTC America, Inc. ("HTC"), to allege: 21 THE PARTIES 22 1. Uniloc USA, Inc. is a Texas corporation, having a principal place of business at 23 Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. 24 25 <sup>1</sup> As this Amended Complaint supersedes the original Complaint in its entirety, it moots the pending 26 Motion to Dismiss (Dkt. 21). 1 AMENDED COMPLAINT VAN KAMPEN & CROWE PLLC Case No. 2:17-cv-01558 JLR (Lead Case) 1001 Fourth Avenue, Suite 4050 Seattle, Washington 98154-1000 Case No. 2:17-cv-01562 JLR (206) 386-7353

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- 2. Uniloc Luxembourg S.A. 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. HTC is a Washington corporation having a place of business at 13920 Southeast Eastgate Way, Bellevue, Washington 98005.

### **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 jurisdiction under to 28 U.S.C. §§ 1331 and 1338(a).

## **PATENT INFRINGEMENT**

- 5. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,580,422 ("the '422 Patent"), entitled REMOTE COMPUTER DISPLAY USING GRAPHICS PRIMITIVES SENT OVER A WIRELESS LINK, which issued June 17, 2003 to Hewlett-Packard Development Company, L.P. ("H-P"). (A copy of the '422 Patent was attached as Exhibit A to the Complaint.)
- 6. Uniloc USA is the exclusive licensee of the '422 Patent, with ownership of all substantial rights in that patent, including the right to grant sublicenses, to exclude others, and to enforce, sue, and recover past damages for infringement.
- 7. The '422 Patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention H-P developed in 1995 as a wireless computer display for portable computing devices. The invention improved upon existing wireless display technology by converting the transmitted data into graphics primitives capable of being easily transmitted and received by the wireless display, thereby conserving bandwidth.
- 8. The approach H-P invented, and the methods and systems the '422 patent claims, were not conventional or generic in the industry in 1995, but rather involved, or contained

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programming that represented, a novel, and not obvious, approach, which other companies in this field had not reduced to practice.

- 9. The invention represented a technological solution to a technological problem. The written description of the '422 patent describes, in technical detail, each of the limitations in the claims, allowing a person of skill in the art to understand what those limitations cover, and therefore what was claimed, and also understand how the nonconventional and non-generic ordered combination of the elements of the claims differ markedly from what had been conventional or generic in the industry in 1995.
- associated software, including: HTC One, HTC One Mini, HTC One Max, HTC One M8, HTC One mini 2, HTC Desire 620, HTC One M9, HTC One M8s, HTC One A9, HTC 10, HTC U Ultra, HTC U Play, HTC U Ultra, HTC One X10, executing Android 4.2 or later and the HTC Connect application, HTC 7 Pro, HTC 7 Surround, HTC 7 Trophy, HTC 7 Mozart, HTC HD7 (HD7S), executing Windows Phone 7.0 or later with the Project My Screen application, HTC Radar, HTC Titan, HTC Titan II, HTC Titan 4G, executing Windows Phone 7.5 or later with the Project My Screen application, HTC Windows Phone 8X, TC Windows Phone 8S, executing Windows Phone 8.0 or later with the Project My Screen software application; and HTC Evo View 4G, HTC U Ultra, HTC U Play, HTC U11, and all other HTC tablets executing Android 4.2 or later and the HTC Connect application; paired with an Smart TV executing the Miracast™ software application (together, "Accused Infringing Devices")..
- 11. The Accused Infringing Devices are portable computing devices having a video display system and a wireless transmitter that can communicate wirelessly with a remote video display, such as a smart TV having a wireless receiver and supporting, for example, Miracast.
- 12. The Accused Infringing Devices transmit signals to the remote video display device that is operative to receive the signals, to convert the received signals into digital data representing the graphics primitives, and to send the digital data to a display driver.

contributing to the infringement by others, including customers who use the Accused Infringing

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Devices, by offering to sell, selling, and importing, a component of a patented machine, manufacture, or combination, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '422 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

- 16. For example, the software that causes the Accused Infringing Devices to operate as described above is a component of a patented machine, manufacture, or combination. The software is a material part of the claimed inventions and is not a staple article or commodity of commerce suitable for substantial non-infringing use.
- 17. HTC will have been on notice of the '422 Patent since, at the latest, the service of the Complaint. By the time of trial, HTC will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of claims of the '422 Patent.
- 18. HTC may have infringed the '422 Patent through other devices and software utilizing the same or reasonably similar functionality.
  - 19. Uniloc has been damaged by HTC's infringement of the '422 Patent.

#### PRAYER FOR RELIEF

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

- (A) declaring that HTC has infringed the '422 Patent;
- (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the '422 Patent;
  - (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
  - (D) granting Uniloc such further relief as the Court may decide is warranted.

## **DEMAND FOR JURY TRIAL**

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

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AMENDED COMPLAINT Case No. 2:17-cv-01558 JLR (Lead Case)

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Dated: March 2, 2018 1 Respectfully submitted, 2 Van Kam 3 Al Van Kampen, WSBA No. 13670 David E. Crowe, WSBA No. 43529 4 Van Kampen & Crowe PLLC 1001 Fourth Avenue, Suite 4050 5 Seattle, WA 98154 Tel: (206) 386-7353 6 Fax: (206) 405-2825 Email: AVanKampen@VKClaw.com 7 DCrowe@VKClaw.com 8 Paul J. Hayes (Pro Hac Vice) James J. Foster (Pro Hac Vice) 9 Prince Lobel Tye LLP One International Place - Suite 3700 10 Boston, MA 02110 Tel: 617-456-8000 11 Email: phayes@princelobel.com Email: jfoster@princelobel.com 12 ATTORNEYS FOR THE PLAINTIFFS 13 **Declaration of Service** 14 I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the 15 Court using the CM/ECF system, which will send notification of such filing to the following: 16 VINSON & ELKINS LLP YARMUTH WILSDON PLLC Molly A. Terwilliger, WSBA No. 28449 Fred I. Williams (pro hac vice) 17 1420 Fifth Avenue, Suite 1400 Mario A. Apreotesi (pro hac vice) Seattle, WA 98101 2801 Via Fortuna, Suite 100 18 Telephone: (206) 516-3800 Austin, TX 78746-7568 Fax: (206) 516-3888 Telephone: (512) 542-8400 19 Fax: (512) 542-8612 mterwilliger@yarmuth.com fwilliams@velaw.com 20 mapreotesi@velaw.com Attorneys for Defendant HTC America, Inc. 21 Todd Landis (pro hac vice) 22 2001 Ross Avenue, Suite 3700 Dallas, TX 75201 23 Telephone: (214) 220-7700 Fax: (214) 220-7716 24 tlandis@velaw.com eklein@velaw.com 25 Attorneys for Defendant HTC America, Inc. 26

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Signed at Seattle, Washington this 2<sup>nd</sup> day of March, 2018.

s/ Al Van Kampen

Al Van Kampen

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