

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNILOC USA, INC. and
UNILOC LUXEMBOURG, S.A.,

Plaintiffs,

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

AMENDED COMPLAINT

v.

JURY DEMAND

HTC AMERICA, INC.,

Defendant.

As Federal Rule of Civil Procedure 15(a)(1)(B) permits amendment as a matter of course within 21 days after service of a motion under Rule 12(b), Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together, “Uniloc”), amend their earlier Complaint¹ against defendant, HTC America, Inc. (“HTC”), to allege:

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.

¹ As this Amended Complaint supersedes the original Complaint in its entirety, it moots the pending Motion to Dismiss (Dkt. 22).

1 9. The invention represented a technological solution to a technological problem.
2 The written description of the '018 patent describes, in technical detail, each of the limitations in
3 the claims, allowing a person of skill in the art to understand what those limitations cover, and
4 therefore what was claimed, and also understand how the nonconventional and non-generic
5 ordered combination of the elements of the claims differs markedly from what had been
6 conventional or generic in the industry in 1999.

7 10. HTC makes, uses, sells, offers for sale, and imports smartphones, including: HTC
8 10, HTC U11, HTC U Ultra, HTC U Play, HTC One (M9), HTC One (M9) Plus, HTC Butterfly
9 2, HTC Bolt, HTC Desire 510, HTC One (M8), HTC One E8, HTC One X10, HTC One Remix,
10 HTC One mini 2, HTC Desire 816, HTC Desire 610, HTC Desire 700, HTC One 601, HTC One
11 max, HTC One mini, HTC Desire 600, HTC Butterfly S, HTC One, HTC One A9, HTC One
12 X+, HTC One VX, DTC Droid DNA, HTC One X, HTC One S, HTC EVO 4G LTE, and HTC
13 Droid Incredible 4G, which use HTC Connect software (together, "Accused Infringing
14 Smartphones") to communicate wirelessly (such as via WiFi and Bluetooth) with other HTC
15 Connect-compliant electronic devices, such as Blackfire® speakers, Harmon/Kardon speakers,
16 Yamaha A/V speakers, Panasonic ALL audio, Pioneer receivers and speakers, Bluetooth
17 speakers and HiFi systems, to control such devices to play video and audio transmitted
18 wirelessly from the above-identified HTC smartphones.

19 11. HTC has infringed, and continues to infringe, at least claims 1, 5-7, 9-11, 15-17,
20 and 19-20 of the '018 Patent by making, using, offering for sale, selling, and importing the
21 Accused Infringing Smartphones.

22 12. HTC has infringed, and continues to infringe, those same claims of the '018
23 Patent by actively inducing others to use, offer for sale, or sell the Accused Infringing
24 Smartphones. HTC's customers who use these devices in accordance with HTC's instructions
25 infringe claims of the '018 Patent. HTC intentionally instructs its customers to infringe through
26

1 training videos, demonstrations, brochures, and installation and user guides, such as those
2 located at:

- 3 • www.htc.com, including:
 - 4 www.htc.com/us/accessories/
 - 5 www.htc.com/us/smartphones/
 - 6 www.htc.com/us/htc-products/
 - 7 www.htc.com/us/innovations/htc-connect/
 - 8 www.htc.com/us/support/
- 9 • <https://play.google.com/store/apps/details=com.htc.wifidisplay&hl=en>
- 10 • www.verizonwireless.com/support/htc-one-m9-connect-video
- 11 • www.apkmirror.com/apk/htc-corporation/htc-connect/
- 12 • www.youtube.com, including:
 - 13 www.youtube.com/user/htc
 - 14 www.youtube.com/watch?v=EZCQHOC2h5Y
- 15 • apk-dl.com/htc-connect

16 HTC also induces infringement by failing to remove or distinguish infringing features of the
17 Accused Infringing Devices.

18 13. HTC has infringed, and continues to infringe, claims of the '018 Patent by
19 contributing to the infringement by others, including customers who use the Accused Infringing
20 Smartphones, by offering to sell, selling, and importing, a component of a patented machine,
21 manufacture, or combination, or of an apparatus for use in practicing a patented process,
22 constituting a material part of the invention, knowing the same to be especially made or
23 especially adapted for use in infringing the '018 Patent and not a staple article or commodity of
24 commerce suitable for substantial non-infringing use.

25 14. For example, the software that causes the Accused Infringing Smartphones to
26 operate as described above is a component of a patented machine, manufacture, or combination

1 or of an apparatus for use in practicing a patented process. The software is a material part of the
2 claimed inventions and is not a staple article or commodity of commerce suitable for substantial
3 non-infringing use.

4 15. HTC will have been on notice of the '018 Patent since, at the latest, the service of
5 the Complaint. By the time of trial, HTC will have known and intended (since receiving such
6 notice) that its continued actions would actively induce, and contribute to, the infringement of
7 claims of the '018 Patent.

8 16. HTC may have infringed the '018 Patent through other devices and software
9 utilizing the same or reasonably similar functionality.

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

11 **PRAYER FOR RELIEF**

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

- 13 (A) declaring that HTC has infringed the '018 Patent;
- 14 (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the
15 '018 Patent;
- 16 (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- 17 (D) granting Uniloc such further relief as the Court may decide is warranted.

18 **DEMAND FOR JURY TRIAL**

19 Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.
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Dated: March 2, 2018

Respectfully submitted,

/s/ *Al Van Kampen*

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Declaration of Service

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Signed at Seattle, Washington this 2nd day of March, 2018.

s/ Al Van Kampen

Al Van Kampen