1 The Honorable James L. Robart 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 UNILOC USA, INC. and Case No. 2:17-cv-01558-JLR UNILOC LUXEMBOURG, S.A., (Lead Case) 11 Plaintiffs, AMENDED COMPLAINT 12 13 v. **JURY DEMAND** 14 HTC AMERICA, INC., 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. ("Uniloc USA") is a Texas corporation, having a principal place 23 of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. 24 25 26 ¹ As this Amended Complaint supersedes the original Complaint in its entirety, it moots the pending Motion to Dismiss (Dkt. 22). 1 AMENDED COMPLAINT VAN KAMPEN & CROWE PLLC Case No. 2:17-cv-01558 JLR 1001 Fourth Avenue, Suite 4050 Seattle, Washington 98154-1000 (206) 386-7353

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- 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. 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 28 U.S.C. §§ 1331 and 1338(a).

PATENT INFRINGEMENT

- 5. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,622,018 ("the '018 Patent"), entitled PORTABLE DEVICE CONTROL CONSOLE WITH WIRELESS CONNECTION, which issued September 16, 2003 to 3Com Corporation ("3Com"). (A copy of the '018 Patent was attached as Exhibit A to the Complaint.)
- 6. Uniloc USA is the exclusive licensee of the '018 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 '018 patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention 3Com developed in 1999 as a way to wirelessly control remotely located devices. The invention improved upon existing remote control technology by allowing a wide variety of devices to be controlled from a single portable device and without being in the line of sight of the device desired to be controlled.
- 8. The approach 3Com invented, and the methods and systems the '018 patent claims, were not conventional or generic in the industry in 1999, but rather involved or contain programming that represented a novel, and not obvious, approach that other companies in this field had not reduced to practice.

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- 9. The invention represented a technological solution to a technological problem. The written description of the '018 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 differs markedly from what had been conventional or generic in the industry in 1999.
- 10. HTC makes, uses, sells, offers for sale, and imports smartphones, including: HTC 10, HTC U11, HTC U Ultra, HTC U Play, HTC One (M9), HTC One (M9) Plus, HTC Butterfly 2, HTC Bolt, HTC Desire 510, HTC One (M8), HTC One E8, HTC One X10, HTC One Remix, HTC One mini 2, HTC Desire 816, HTC Desire 610, HTC Desire 700, HTC One 601, HTC One max, HTC One mini, HTC Desire 600, HTC Butterfly S, HTC One, HTC One A9, HTC One X+, HTC One VX, DTC Droid DNA, HTC One X, HTC One S, HTC EVO 4G LTE, and HTC Droid Incredible 4G, which use HTC Connect software (together, "Accused Infringing Smartphones") to communicate wirelessly (such as via WiFi and Bluetooth) with other HTC Connect-compliant electronic devices, such as Blackfire® speakers, Harmon/Kardon speakers, Yamaha A/V speakers, Panasonic ALL audio, Pioneer receivers and speakers, Bluetooth speakers and HiFi systems, to control such devices to play video and audio transmitted wirelessly from the above-identified HTC smartphones.
- 11. HTC has infringed, and continues to infringe, at least claims 1, 5-7, 9-11, 15-17, and 19-20 of the '018 Patent by making, using, offering for sale, selling, and importing the Accused Infringing Smartphones.
- 12. HTC has infringed, and continues to infringe, those same claims of the '018 Patent by actively inducing others to use, offer for sale, or sell the Accused Infringing Smartphones. HTC's customers who use these devices in accordance with HTC's instructions infringe claims of the '018 Patent. HTC intentionally instructs its customers to infringe through

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

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 substantia
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 1 Respectfully submitted, 2 Van Kampen 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 YARMUTH WILSDON PLLC VINSON & ELKINS LLP Molly A. Terwilliger, WSBA No. 28449 Fred I. Williams (pro hac vice) 17 Mario A. Apreotesi (pro hac vice) 1420 Fifth Avenue, Suite 1400 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 20 fwilliams@velaw.com 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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Case 2:17-cv-01558-JLR Document 29 Filed 03/02/18 Page 7 of 7

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