

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 1:17-cv-01658-GMS
Plaintiffs,	§	
	§	
v.	§	
	§	
MOTOROLA MOBILITY, LLC,	§	
	§	
Defendant.	§	

AMENDED COMPLAINT

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, Motorola Mobility, LLC (“Motorola”), 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.
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. Motorola is a Delaware corporation having a principal place of business in Chicago, Illinois.

¹ As this Amended Complaint supersedes the original Complaint in its entirety, it moots the pending Motion to Dismiss (Dkt. 6).

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. 6,161,134 (“the ’134 Patent”), entitled METHOD, APPARATUS AND COMMUNICATIONS SYSTEM FOR COMPANION INFORMATION AND NETWORK APPLIANCES, which issued on December 12, 2000 to 3Com Corporation (“3Com”). A copy of the ’134 Patent is attached hereto as Exhibit A.

6. Uniloc USA is the exclusive licensee of the ’134 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 ’134 patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention 3Com developed in 1998 as a way to link a portable device and telephone such that the telephone utilizes parameters from the portable device to execute communications. The invention improved upon previous telephony/portable device interface methods by allowing the portable device to store and relay information to the telephone used for execution of networked communications.

8. The approach 3Com invented, and the methods and systems the ’134 patent claims, were not conventional or generic in the industry in 1998, but rather involved or contained programming that represented a novel, and not obvious, approach that 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 '134 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 1998.

10. Motorola manufactures, uses, sells, offers for sale, and imports electronic devices, such as smartphones, tablets, and watches, including those designated Moto X4, Moto G5S Plus, Moto G5S, Moto Z2 Force, Moto E4 Plus, Moto E4, Moto Z2 Play, Moto C Plus, Moto C, Moto G5 Plus, Moto G5, Moto M, Moto E3 Power, Moto Z Play, Moto E3, Moto Z Force, Moto Z, Moto G4 Plus, Moto G4, Moto G4 Play, Moto G Turbo, Moto X Force, Droid Turbo 2, Droid Maxx 2, Moto X Style, Moto X Play, Moto Maxx, Droid Turbo, Nexus 6, Moto X, Moto G, Moto G 4G, Luge, Moto E, Moto G, Moto X, Droid Ultra, Droid Maxx, Droid Mini, Razr D3, Razr D1, Electrify M, Razr I, Droid Razr Maxx HD, Droid Razr HD, Razr HD, Droid Razr M, Razr M, Defy XT, Electrify 2, Photon Q, Atrix HD, Xoom 2, Xoom Media, Moto XT882, Moto X Pure Edition, New Moto X by Motorola, Moto Z2 Force Edition, Moto Z2 Play, Moto Z Force Droid, Moto Z, Moto Z Droid, Moto Z Play, Moto Z Play Droid, Moto 360, Moto 360 Sport, and Moto 360 2d Generation, which run Android 4.0.3 or later versions and allow a user to wirelessly (via WiFi or Bluetooth) pair a smartphone/tablet with a wearable, such as a watch, and to make telephone calls from the wearable using the smartphone/tablet cellular telephone capabilities (“Accused Infringing Devices”).

11. Motorola has infringed, and continues to infringe, at least claims 1, 11, 15, 24, and 27-28 of the '134 Patent by making, using, offering for sale, selling, and importing the Accused Infringing Devices.

12. Motorola has infringed, and continues to infringe, those same claims of the '134 Patent by actively inducing others to use, offer for sale, or sell the Accused Infringing Devices. Motorola's customers who use these devices in accordance with Motorola's instructions infringe claims of the '134 Patent. Motorola intentionally instructs its customers to infringe through training videos, demonstrations, brochures, and installation and user guides, such as those located at:

- www.motorola.com, including:
 - motorola.com/us/products/
 - motorola.com/us/software-and-apps/
 - motorola-global-portal.custhelp.com
 - download.lenovo.com
- <https://mobilesupport.lenovo.com/us/en/products/>
- <https://motorola-mobility-en-in.custhelp.com/app/home/>
- www.youtube.com, including:
 - www.youtube.com/user/motorola
 - www.youtube.com/watch?v=rfcJKYGPdvo
 - www.youtube.com/watch?v=ICvc4TA0IK4
 - www.youtube.com/watch?v=ZinkKzT5HQo
 - www.youtube.com/user/Motorola

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

13. Motorola has infringed, and continues to infringe, claims of the '134 Patent by contributing to the infringement by others, including customers who use the Accused Infringing Devices, by offering to sell, selling, and importing, a component of a patented machine, manufacture, or combination, or of 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.

14. 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 or of an apparatus for use in practicing a patented process. 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.

15. Motorola will have been on notice of the '134 Patent since, at the latest, the service of the Complaint. By the time of trial, Motorola 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 '134 Patent.

16. Motorola may have infringed the '134 Patent through other devices and software utilizing the same or reasonably similar functionality.

17. Uniloc has been damaged by Motorola's infringement of the '134 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Motorola has infringed the '134 Patent;
- (B) awarding Uniloc its damages suffered as a result of Motorola's infringement of the '134 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.

Dated: March 2, 2018

Respectfully submitted,

/s/ Sean T. O'Kelly

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