

**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. 2:18-cv-00075
	§	
v.	§	PATENT CASE
	§	
HUAWEI DEVICE USA, INC. and HUAWEI DEVICE CO. LTD.,	§	
	§	
Defendant.	§	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, Huawei Device USA, Inc. (“Huawei USA”) and Huawei Device Co. Ltd. (“Huawei China”) (together, “Huawei”), 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. Huawei USA is a Texas corporation having a regular and established principal place of business at 5700 Tennyson Parkway, Suite 500, Plano, Texas 75024. Huawei USA offers its products and/or services, including those accused herein of infringement, throughout the United States, including to customers and potential customers located in Texas and in the judicial Eastern District of Texas. Huawei USA may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. Huawei China is a Chinese corporation having a principal place of business in Bantian, Longgang District, Shenzhen, 518129 China. Huawei China does business in Texas and in the judicial Eastern District of Texas. Huawei China is in the business of, *inter alia*, manufacturing and selling electronic goods, including smartphones and smart watches sold in this judicial District.

JURISDICTION

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. This Court has personal jurisdiction over Huawei due, *inter alia*, to Huawei's continuous presence in, and systematic contact with, this District and Huawei USA's incorporation in Texas.

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. Huawei imports, uses, offers for sale, and sells in the United States electronic devices that implement 3G and LTE standards. Such devices include: Huawei MediaPad M3 Lite, Huawei MediaPad M3 lite 10.0, Huawei MediaPad T3, Huawei MediaPad T3 10, Huawei MediaPad M3, MediaPad T1 8.0 Pro, MediaPad T1 8.0, Huawei MediaPad T3 8, PORSCHE DESIGN Huawei Mate 10, Huawei Mate 10 Pro, Huawei Elate, Huawei Ascend XT2, Honor 7X, Huawei Mate 9, Honor 6X, Honor5X, Honor8, Huawei GX8, Huawei P8lite, SENSE LTE, Huawei Ascend XT, Ascend Mate 2, Huawei SnapTo, Nexus 6P, Huawei WATCH 2, Huawei Ascend Mate7 Monarch, Huawei Honor 4 Play, Huawei Ascend Y550, Huawei Ascend P7 Sapphire Edition, Huawei Honor 3C 4G, Huawei Ascend G535, Huawei Ascend G526, Huawei G6800, Huawei Ascend D1 XL U9500E, Huawei Ascend D1, Huawei Ascend D quad, Huawei Impulse 4G, Huawei Y625, Huawei Ascend G500, Huawei Ascend Y201 Pro, Huawei Ascend G600, Huawei Ascend G330, Huawei Ascend Y100, Huawei Ascend Y200, Huawei Ascend G300, Huawei U8350 Boulder, Huawei U8860 Honor, Huawei U9000 IDEOS X6, Huawei Honor 4C, Huawei Y635, Huawei Ascend GX1, Huawei Honor 4X, Huawei Ascend G7, Huawei Honor 3C Play, Huawei Ascend G312, Huawei Honor 6C Pro, Huawei Honor 5A, Huawei Honor Holly 2 Plus, Huawei nova 2s, Huawei MediaPad (collectively, the “Accused Infringing Devices”).

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

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

- www.huawei.com
- <https://consumer.huawei.com/us/support/phones/mate10-pro/>

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

18. Huawei has also infringed, and continues to infringe, at least claims 17 and 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. Huawei 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. Huawei is thereby liable for infringement of the '079 Patent under 35 U.S.C. § 271(c).

19. Huawei 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, Huawei will have known and intended (since

receiving such notice) that its continued actions would actively induce and contribute to the infringement of at least claims 17 and 18 of the '079 Patent.

20. Huawei 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 Huawei's infringement of the '079 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Huawei:

- (A) declaring that Huawei has infringed the '079 Patent;
- (B) awarding Uniloc its damages suffered as a result of Huawei'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: March 13, 2018.

Respectfully submitted,

/s/ Edward R. Nelson III

James J. Foster
Massachusetts State Bar No. 553285
Kevin Gannon
Massachusetts State Bar No. 640931
Aaron Jacobs
Massachusetts State Bar No. 677545
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
Tel: (617) 456-8000
Email: jfoster@princelobel.com
Email: kgannon@princelobel.com
Email: ajacobs@princelobel.com

Edward R. Nelson III
ed@nbafirm.com
Texas State Bar No. 00797142
Anthony M. Vecchione
anthony@nbafirm.com
Texas State Bar No. 24061270
NELSON BUMGARDNER ALBRITTON P.C.
3131 West 7th Street, Suite 300
Fort Worth, TX 76107
Tel: (817) 377-9111
Fax: (817) 377-3485

ATTORNEYS FOR THE PLAINTIFFS