

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. 6,993,049)

7. Uniloc incorporates paragraphs 1-6 above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,993,049 ("the '049 Patent"), entitled COMMUNICATION SYSTEM, which issued on January 31, 2006.

A copy of the '049 Patent is attached as Exhibit A.

9. Uniloc USA is the exclusive licensee of the '049 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 '049 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 using polling of secondary devices by a primary device.

11. The '049 Patent describes problems and shortcomings in the then-existing field of communications between 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 '049 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 '049 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 '049 Patent inventor.

13. The inventions claimed in the '049 Patent represent technological solutions to technological problems. The written description of the '049 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 utilize Bluetooth Low Energy version 4.0 and above. Such devices include: Huawei MateBook X, Huawei MateBook X Pro, Huawei MateBook E, Huawei MateBook D, Huawei MediaPad M3 Lite, Huawei MediaPad M3 lite 10.0, Huawei MediaPad T3, Huawei MediaPad T3 7, Huawei MediaPad T3 10, Huawei MateBook, Huawei MediaPad M3, Huawei MediaPad M2 10.0, MediaPad T1 8.0, Huawei MediaPad T1 10.0, Huawei MediaPad T1 7.0, 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 Band 2 Pro, Huawei WATCH 2, Huawei FIT, Huawei WATCH, Huawei WATCH FOR Ladies (Mercury-G101&G201, 02), TalkBand B2, TalkBand B1, HONOR Band Z1, Huawei Y360, Huawei Ascend Y540, Huawei Ascend Y520, Huawei Ascend Mate7 Monarch, Huawei Honor Holly, Huawei Honor 4 Play, Huawei Ascend Y550, Huawei Ascend P7 Sapphire Edition, Huawei Honor 3X Pro, Huawei Honor 3C 4G, Huawei Ascend G535, Huawei Y300II, Huawei Ascend Y330, Huawei Y625, Huawei Honor 4C, Huawei Y635, Huawei Ascend GX1, Huawei Honor 4X, Huawei Ascend G7, Huawei Honor 3C Play, Huawei Honor 6C Pro, Huawei Honor 5A, Huawei Honor Holly 2 Plus, Huawei nova 2s (collectively, the “Accused Infringing Devices”).

15. The Accused Infringing Devices are electronic devices that implement communications systems wherein a first or primary device broadcasts messages including data to a second or secondary device to poll the second or secondary device that responds to the first or primary device when the second or secondary device has data to transmit to the first or primary device.

16. Huawei has infringed, and continues to infringe, claims of the '049 Patent in the United States, including at least claims 1-6, 8-9 and 11, 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, claims 1-6, 8-9 and 11 of the '049 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 at least claims 1-6, 8-9 and 11 of the '049 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://developer.android.com/guide/topics/connectivity/bluetooth-le.html>
- <https://consumer.huawei.com/us/support/phones/mate10-pro/>

Huawei is thereby liable for infringement of the '049 Patent under 35 U.S.C. § 271(b).

18. Huawei has also infringed, and continues to infringe, at least claims 1-6, 8-9 and 11 of the '049 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 '049 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 '049 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Huawei is thereby liable for infringement of the '049 Patent under 35 U.S.C. § 271(c).

19. Huawei will have been on notice of the '049 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 1-6, 8-9 and 11 of the '049 Patent.

20. Huawei may have infringed the '049 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 '049 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Huawei:

- (A) declaring that Huawei has infringed the '049 Patent;
- (B) awarding Uniloc its damages suffered as a result of Huawei's infringement of the '049 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

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