

Amazon.com is the parent company of Amazon Web Services, Inc. and the primary operator and controller of the www.amazon.com commerce website. Amazon offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Eastern District of Texas. As non-limiting examples, Amazon distributes the accused products through its distribution facilities in Denton County, TX. Among other business, Amazon is in the business of manufacturing and selling electronic goods sold in this judicial District.

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 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Amazon.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,484,089)

7. Uniloc incorporates the preceding paragraphs above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,484,089 (“the ’089 Patent”), entitled Method and system for a hosted digital music library sharing service that issued on July 9, 2013. A true and correct copy of the ’089 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the '089 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

10. Amazon makes, uses, offers for sale, sells and/or imports into the United States a web service, marketed under the name Kindle web service. The Kindle web service is hosted on Amazon servers and allows users to borrow "Kindle" books (digital copy of media) from a Kindle book owner for up to 14 days." The Kindle books are stored on Amazon servers and are accessed on digital devices, including Kindle e-readers. Collectively, the Kindle web service, Amazon servers, and Kindle e-readers are referred to as the "Accused Products".

11. Amazon has directly infringed and continues to directly infringe one or more claims of the '089 Patent in the United States during the pendency of the '089 Patent, including at least claim 1 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale and/or selling the Accused Products that operate as described above.

12. In addition, should the Accused Products be found to not literally infringe the asserted claims of the '089 Patent, use of the devices would nevertheless infringe the asserted claims of the '089 Patent. More specifically, the devices perform substantially the same function (sending a digital copy of media), in substantially the same way (via a check that the digital copy was purchased and is not in use) to yield substantially the same result (providing a borrowed copy from the account of the owner to an account of the borrower). Amazon would thus be liable for direct infringement under the doctrine of equivalents.

13. Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '089 Patent in this judicial district and elsewhere in the United States by, among other

things, actively inducing the using, offering for sale or selling the Accused Products. Amazon's customers who use such devices in accordance with Amazon's instructions directly infringe one or more of the foregoing claims of the '089 Patent in violation of 35 U.S.C. § 271. Amazon directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- https://www.amazon.com/gp/help/customer/display.html/ref=hp_rel_topic?ie=UTF8&nodeId=200549320
- <https://www.viddler.com/embed/6361231/?f=1&autoplay=0&player=full&secret=103366756&loop=0&nologo=0&hd=0&scAccountName=acsus-prod>

Amazon is thereby liable for infringement of the '089 Patent under 35 U.S.C. § 271(b).

14. Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '089 Patent by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Products, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or 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 '089 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. Amazon will have been on notice of the '089 Patent since, at the latest, the service of this complaint upon Amazon. By the time of trial, Amazon will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of one or more of claims 1, 2, 10-11, and 15-16 of the '089 Patent.

16. Amazon may have infringed the '089 Patent through other smart devices and software utilizing the same or reasonably similar functionality as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

17. Uniloc has been damaged by Amazon's infringement of the '089 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Amazon has infringed the '089 Patent;
- (B) awarding Uniloc its damages suffered as a result of Amazon's infringement of the '089 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (D) granting Uniloc such further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: March 15, 2018

Respectfully submitted,

By: /s/ James L. Etheridge

James L. Etheridge
Texas Bar No. 24059147
Ryan S. Loveless
Texas Bar No. 24036997
Brett A. Mangrum
Texas Bar No. 24065671
Travis L. Richins
Texas Bar No. 24061296
Jeff Huang
Etheridge Law Group, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, TX 76092
Tel.: (817) 470-7249
Fax: (817) 887-5950
Jim@EtheridgeLaw.com

Ryan@EtheridgeLaw.com
Brett@EtheridgeLaw.com
Travis@EtheridgeLaw.com
Jeff@EtheridgeLaw.com

**ATTORNEYS FOR PLAINTIFFS UNILOC USA,
INC. AND UNILOC LUXEMBOURG SA**