

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,	§ §	CIVIL ACTION NO. 2:18-cv-0092
Plaintiffs,	§ §	PATENT CASE
v.	§ §	JURY TRIAL DEMANDED
AMAZON.COM, INC., Defendant.	§ §	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Amazon.com, Inc. (“Amazon”) allege as follows:

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. Uniloc also maintains a place of business at 102 N. College, Suite 303, Tyler, Texas 75702.

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. On information and belief, Amazon.com, Inc. is a Delaware corporation with its principal office at 410 Terry Avenue North, Seattle, WA 98109. Amazon can be served through its registered agent, Corporation Service Company, 2711 Centerville Rd., Wilmington, DE 19808. 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. 6,622,018)

7. Uniloc incorporates by reference the preceding paragraphs.

8. 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 that issued on September 16, 2003. A true and correct copy of the ’018 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’018 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 manufactures, uses, sells, offers for sale and/or imports into the United States a system that controls devices over a wireless connection. Amazon has a Fire TV Remote

App that controls the Fire TV remote devices and an Alexa App that controls remote devices such as Amazon Echo and Amazon dot (together “Accused Infringing Devices”).

11. Amazon’s apps discover the remote device devices (e.g., Fire TV remote device, Amazon Echo and Amazon dot) through a broadcast message.

12. Amazon’s remote devices responds, and a manifested touch interface of the app allows control of the remote device, for example.

13. Amazon has directly infringed, and continues to directly infringe, one or more claims of the ’018 Patent in the United States during the pendency of the ’018 Patent, including at least claim 1, literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

14. Should use of the Accused Infringing Devices be found to not literally infringe the ’018 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the ’018 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (a first device remotely controlling a second device over a wireless connection), in substantially the same way (using wireless commands to cause the second device to perform a selected function), to yield substantially the same result (performance of a function by the second device that cannot be performed on the first device). Amazon would thus be liable for direct infringement under the doctrine of equivalents.

15. Amazon has indirectly infringed, and continues to indirectly infringe at least claim 1 of the ’018 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices having the functionality described in this Count. Amazon’s customers who use such devices in accordance with Amazon’s instructions directly at least claim 1 of the ’018 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://play.google.com/store/apps/details?id=com.amazon.dee.app&hl=en>
- <https://itunes.apple.com/us/app/amazon-alexa/id944011620?mt=8>
- <https://www.amazon.com/dp/B00P03D4D2>
- <https://play.google.com/store/apps/details?id=com.amazon.storm.lightning.client.aosp&hl=en>
- <https://itunes.apple.com/us/app/amazon-fire-tv-remote/id947984433?mt=8>
- <https://www.amazon.com/gp/help/customer/display.html?nodeId=201640980>

Amazon is thereby liable for infringement of the '018 Patent under 35 U.S.C. § 271(b).

16. Amazon has indirectly infringed, and continues to indirectly infringe at least claim 1 of the '018 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Infringing Devices, 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 '018 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

17. Amazon will have been on notice of the '018 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 the infringement of at least claim 1 of the '018 Patent.

18. Amazon may have infringed the '018 Patent through other devices and software utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

19. Uniloc has been damaged by Amazon's infringement of the '018 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Amazon has infringed the '018 Patent;
- (B) awarding Uniloc its damages suffered as a result of Amazon's infringement of the '018

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 22, 2018

Respectfully submitted,

By: /s/ James L. Etheridge

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