

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

UNILOC USA, INC. and UNILOC
LUXEMBOURG S.A.,

Plaintiffs,

v.

AMAZON.COM, INC.

Defendant.

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CIVIL ACTION NO. 18-123

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their First Amended complaint against defendant, Amazon.com, Inc. (“Amazon” or “Defendant”), 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 products associated with the accused instrumentalities 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. 6,216,158)

7. Uniloc incorporates by reference the above paragraphs.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,216,158 (“the ’158 Patent”), entitled SYSTEM AND METHOD USING A PALM SIZED COMPUTER TO CONTROL NETWORK DEVICES, which issued April 10, 2001. A true and correct copy of the ’158 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’158 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. Defendant has marketed and currently markets “Smart Home” products controlled

by its Alexa platform. The Alexa platform allows smartphones and tablets (including those sold by Defendant) to issue control instructions to other devices on a network. Defendant refers to such controlled device with a “works with Alexa” tagline. Defendant also has a “Works with Alexa” Certification program. Such controlled devices include a growing list of third-party products and products specifically made by Defendant including, but not limited to Echo Dot, Echo Show, Echo, Tap, and video cameras. The Alexa service uses Defendant’s Amazon Web Service platform. The aforementioned is collectively referred to as the Accused Instrumentality.

11. Defendant has directly infringed, and continues to directly infringe, one or more claims of the ’158 Patent in the United States during the pendency of the ’158 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 its Accused Instrumentality.

12. Should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the ’158 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the ’158 Patent. More specifically, the Accused Instrumentality perform substantially the same function (remotely controlling a device over a wireless connection), in substantially the same way (using wireless commands to locate and control the other device), to yield substantially the same result (wireless control of the second device by the first device). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

13. Defendant has indirectly infringed, and continues to indirectly infringe, at least claim 1 of the ’158 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Instrumentality having the functionality described in this Count. Defendant’s customers who use such devices in accordance with

Defendant's instructions directly infringe at least claim 1 of the '158 Patent in violation of 35 USC § 271.

14. Defendant 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://developer.amazon.com/alexa/smart-home/launch/works-with-alexa>
- <https://www.amazon.com/smart-home-devices/b?ie=UTF8&node=6563140011>
- <https://developer.amazon.com/docs/smarthome/understand-the-smart-home-skill-api.html>
- <https://www.youtube.com>

15. Defendant has indirectly infringed, and continues to indirectly infringe, at least claim 1 of the '158 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 Instrumentality 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 '158 Patent and not a staple article or commodity of commerce suitable for substantial non- infringing use.

16. Defendant will have been on notice of the '158 Patent since, at the latest, the service of this complaint upon Defendant. By the time of trial, Defendant will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims of the '158 Patent.

17. Defendant may have infringed the '158 Patent through other devices and software utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and pursue all additional instrumentality.

18. Uniloc has been damaged by Defendant's infringement of the '158 Patent.

PRAYER FOR RELIEF

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

- (A) that Defendant has infringed the '158 Patent;
- (B) awarding Uniloc its damages suffered as a result of Defendant's infringement of the '158 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining each Defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '158 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses, and interest; and
- (E) granting Uniloc such other and 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 31, 2018

Respectfully submitted,

/s/ James L. Etheridge

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