

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 4:17-cv-00827-O
Plaintiffs,	§	
	§	
v.	§	
	§	
LG ELECTRONICS U.S.A., INC.,	§	
LG ELECTRONICS MOBILECOMM	§	
U.S.A., INC. and	§	
LG ELECTRONICS, INC.,	§	
	§	
Defendants.	§	
	§	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together, “Uniloc”), amend their earlier Complaint¹ against defendants, LG Electronics U.S.A., Inc.; LG Electronics Mobilecomm U.S.A., Inc.; and LG Electronics, Inc. (together, “LG”), to allege:

THE PARTIES

1. Uniloc USA, Inc. is a Texas corporation, having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024.

2. Uniloc Luxembourg S.A. 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).

¹ As this Amended Complaint supersedes the original Complaint in its entirety, it moots the pending Motion to Dismiss (Dkt. 14).

3. LG Electronics U.S.A., Inc. is a Delaware corporation, having a place of business at 2151-2155 Eagle Parkway, Fort Worth, Texas 76177.

4. LG Electronics Mobilecomm U.S.A., Inc. is a California corporation, having a place of business in San Diego, California.

5. LG Electronics, Inc. (“LG Korea”) is a corporation organized under the laws of Korea with a principal place of business at LG Twin Tower 128, Yeoui-daero, Yeoungdeungpogu, Seoul, Korea. LG Electronics, Inc. is in the business of manufacturing and selling electronic goods, including cellular telephones, tablets, laptops, and televisions.

JURISDICTION

6. 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 jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

PATENT INFRINGEMENT

7. 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 copy of the ’158 Patent was attached as Exhibit A to the Complaint.)

8. Uniloc USA is the exclusive licensee of the ’158 Patent, with ownership of all substantial rights in that patent, including the right to grant sublicenses, to exclude others, and to enforce, sue, and recover past damages for infringement.

9. The ’158 Patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention 3Com Corporation developed in 1998 as a way of controlling network services using a palm sized computer. The invention improved upon existing network

service control technology by using a registry and related software which enabled the palm sized computer to issue commands to the network service.

10. The approach 3Com Corporation invented, and the methods and systems the '158 patent claims, were not conventional or generic in the industry in 1998, but rather involved, or contained programming that represented, a novel, and not obvious, approach, which other companies in this field had not reduced to practice.

11. The invention represented a technological solution to a technological problem. The written description of the '158 patent describes, in technical detail, each of the limitations in the claims, allowing a person of skill in the art to understand what those limitations cover, and therefore what was claimed, and also understand how the nonconventional and non-generic ordered combination of the elements of the claims differ markedly from what had been conventional or generic in the industry in 1998.

12. LG manufactures, uses, sells, offers for sale and imports devices including LG smartphones and LG tablets with Android 4.1 and up installed that can communicate wirelessly (such as over a WiFi network) to issue control instructions to other devices on a network, including LG SmartThinQ appliances identified at the following:

- www.lg.com/us/refrigerators/all-refrigerators
- www.lg.com/us/ranges-ovens
- www.lg.com/us/dishwashers
- www.lg.com/us/washers/all-washers
- www.lg.com/us/dryers
- www.lg.com/us/dehumidifiers
- www.lg.com/us/air-conditioners

- www.lg.com/us/vacuum-cleaners

(together, “Accused Infringing Devices”).

13. LG has infringed, and continues to infringe, at least claims 1, 2, 6, 8, 14, and 20 of the ’158 Patent by making, using, offering for sale, selling, and importing the Accused Infringing Devices. (Attached as Exhibit 1 is a chart identifying, as specifically as possible without discovery, where each element of each asserted claim is found within the accused instrumentalities.)

14. LG has infringed, and continues to infringe, those same claims of the ’158 Patent by actively inducing others to use, offer for sale, or sell the Accused Infringing Devices. LG’s customers who use these devices in accordance with LG’s instructions infringe claims of the ’158 Patent. LG indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, and installation and user guides, such as:

- www.lg.com, including:
 - www.lg.com/us/discover/smarthingq/
 - www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:
 - www.youtube.com/user/LGMobileHQ
 - www.youtube.com/watch?v=wXwANxxI1Mo
 - www.youtube.com/watch?v=J5b8NFuWFwc

LG also induces infringement by failing to remove or diminish infringing features of the Accused Infringement Devices.

15. LG has infringed, and continues to infringe, claims of the '158 Patent by, among other things, contributing to the infringement by others, including customers who use the Accused Infringing Devices, by offering to sell, selling, and importing a component of a patented machine, manufacture, or combination, or of 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. For example, the software that causes the Accused Infringing Devices to operate as described above is a component of a patented machine, manufacture, or combination, or of an apparatus for use in practicing a patented process. The software is a material part of the claimed inventions and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

17. LG has been on notice of the '158 Patent since, at the latest, the service of the Complaint. By the time of trial, LG will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of claims of the '158 Patent.

18. LG may have infringed the '158 Patent through other devices and software utilizing the same or reasonably similar functionality.

19. Uniloc has been damaged by LG's infringement of the '158 Patent.

PRAYER FOR RELIEF

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

(A) declaring that LG has infringed the '158 Patent;

- (B) awarding Uniloc its damages suffered as a result of LG's infringement of the '158 Patent;
- (C) awarding Uniloc its costs, attorneys fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court may decide is warranted.

Date: February 5, 2018

Respectfully submitted,

/s/ James J. Foster

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ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

On February 5, 2018, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I certify that I have served all counsel electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ James J. Foster _____