

**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-00832-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 Korea 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

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,653,508)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,653,508 (“the ’508 Patent”), entitled HUMAN ACTIVITY MONITORING DEVICE, which issued January 26, 2010. (A copy of the ’508 Patent was attached as Exhibit A to the Complaint.)

9. Uniloc USA is the exclusive licensee of the ’508 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.

10. The ’508 Patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention DP Technologies, Inc. (“DP”) developed in 2006 as an improved activity monitoring device. The invention improved upon existing activity monitoring devices by

constantly monitoring the orientation of an inertial sensor by identifying and updating a dominant axis, and determining the motion of a user by reference to that axis, thus allowing the device containing the inertial sensor to be carried anywhere on the user's body.

11. The approach DP invented, and the methods and systems the '508 patent claims, were not conventional or generic in the industry in 2006, 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.

12. The invention represented a technological solution to a technological problem. The written description of the '508 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 2006.

13. LG manufactures, uses, sells, offers for sale, and imports electronic devices, including those designated V10, V20, V30, V30 Plus, X Charge, X Style, X Venture, Tribute, Rebel, Rebel 2, Fiesta, K20 Plus, K20, K10, K8, K7, K4, K3, Phoenix, Aristo, Premier, Optimus Zone, G Vista, G Flex, LG G3, G3 CDMA, G3 S, G3 S Dual, G3 LTE-A, G3 A, G3 Screen, G3 Dual-LTE, G4, G4 Dual, G5, G5 SE, G6, G Flex2, LG G Watch W100, Watch Urbane LTE, Watch Urbane 2nd Edition LTE, Watch Urbane W150, G Watch R W110, G Pad II 8.3 LTE, Stylo 2, Stylo 3, Stylo 3 Plus, Watch Style, Watch Sport, Nexus 5X, Grace, Treasure-GSM and CDMA, Risio, Harmony, Escape, Spree and Lifeband Touch, that are equipped with motion sensors (such as pedometers, gyroscopes, and accelerometers), processors to detect motion and associated

software, such as LG Health, and capable of counting steps or other periodic human motions by monitoring acceleration (together, “Accused Infringing Devices”).

14. LG has infringed, and continues to infringe, at least claims 1, 3, 6-7, 11, 13, 15-16, and 19 of the ’508 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.)

15. LG has infringed, and continues to infringe, those same claims of the ’508 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 ’508 Patent. LG intentionally instructs its customers to infringe through training videos, demonstrations, brochures, and installation and user guides, such as those located at:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:

www.youtube.com/user/LGMobileHQ

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

16. LG has infringed, and continues to infringe, claims of the ’508 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 '508 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

17. 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.

18. LG has been on notice of the '508 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 '508 Patent.

19. LG may have infringed the '508 Patent through other devices and software utilizing the same or reasonably similar functionality.

20. Uniloc has been damaged by LG's infringement of the '508 Patent.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 8,712,723)

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

22. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,712,723 ("the '723 Patent"), entitled HUMAN ACTIVITY MONITORING DEVICE, which issued April 29, 2014. (A copy of the '723 Patent was attached as Exhibit B to the Complaint.)

23. Uniloc USA is the exclusive licensee of the '723 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.

24. The '723 Patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention DP developed in 2006 as an improved human activity monitoring device. The invention improved upon existing human activity monitoring devices by assigning the dominant axis of an inertial sensor with respect to gravity, updating the dominant axis as the orientation of the inertial sensor changes, and determining motion of a user based on reference to the dominant axis and cadence of the movement, thereby minimizing the false positives frequently recorded using prior art motion detectors.

25. The approach DP invented, and the methods and devices the '723 patent claims, were not conventional or generic in the industry in 2006, 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.

26. The invention represented a technological solution to a technological problem. The written description of the '723 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 differs markedly from what had been conventional or generic in the industry in 2006.

27. LG has infringed, and continues to infringe, at least claims 1, 5-6, 10, 14, and 16-17 of the '723 Patent by making, using, offering for sale, selling, and importing the Accused Infringing Devices, enumerated in paragraph 13, above. (Attached as Exhibit 2 is a chart

identifying, as specifically as possible without discovery, where each element of each asserted claim is found within the accused instrumentalities.)

28. LG has infringed, and continues to infringe, those same claims of the '723 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 '723 Patent. LG intentionally instructs its customers to infringe through training videos, demonstrations, brochures, and installation and user guides, such as located at:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:

www.youtube.com/user/LGMobileHQ

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

29. LG has infringed, and continues to infringe, claims of the '723 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 '723 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

30. 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.

31. LG has been on notice of the '723 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 '723 Patent.

32. LG may have infringed the '723 Patent through other devices and software utilizing the same or reasonably similar functionality.

33. Uniloc has been damaged by LG's infringement of the '723 Patent.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 7,881,902)

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

35. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,881,902 ("the '902 Patent"), entitled HUMAN ACTIVITY MONITORING DEVICE, which issued April 29, 2014. (A copy of the '902 Patent was attached as Exhibit C to the Complaint.)

36. Uniloc USA is the exclusive licensee of the '902 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.

37. The '902 Patent describes, in detail, and claims, in various ways and at different levels of specificity, an invention DP developed in 2006 as an improved activity monitoring device. The invention improved upon existing activity monitoring devices by using an inertial

sensor in a mobile device to monitor for motion that includes indicators of a type of motion the device is configured to record, and in the absence of such motion signatures, putting the device into a sleep/idle mode, thus conserving battery power and improving motion detection.

38. The approach DP invented, and the methods the '902 patent claims, were not conventional or generic in the industry in 2006, 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.

39. The invention represented a technological solution to a technological problem. The written description of the '902 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 2006.

40. LG has infringed, and continues to infringe, at least claims 1-6 of the '902 Patent by making, using, offering for sale, selling, and importing the Accused Infringing Devices, enumerated in paragraph 13, above. (Attached as Exhibit 3 is a chart identifying, as specifically as possible without discovery, where each element of each asserted claim is found within the accused instrumentalities.)

41. LG has infringed, and continues to infringe, those same claims of the '902 Patent by actively inducing others to use the Accused Infringing Devices. LG's customers who use these devices in accordance with LG's instructions infringe claims of the '902 Patent. LG intentionally instructs its customers to infringe through training videos, demonstrations, brochures, and installation and user guides, such as located at:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:

www.youtube.com/user/LGMobileHQ

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

42. LG has infringed, and continues to infringe, claims of the '902 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 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 '902 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

43. For example, the software that causes the Accused Infringing Devices to operate as described above is a component 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.

44. LG has been on notice of the '902 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 '902 Patent.

45. LG may have infringed the '902 Patent through other devices and software utilizing the same or reasonably similar functionality.

46. Uniloc has been damaged by LG's infringement of the '902 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that LG has infringed the '508, '723, and '902 Patent;
- (B) awarding Uniloc its damages suffered as a result of LG's infringement of those Patents;
- (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