IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A., Plaintiffs, v. LG ELECTRONICS U.S.A., INC., LG ELECTRONICS MOBILECOMM U.S.A. INC. and LG ELECTRONICS, INC., Defendants.	§ § § § § § § § § § § § § § §	Civil Action No. 3:18-cv-00559-DCG PATENT CASE JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), for their First Amended Complaint against defendants, LG Electronics U.S.A., Inc., LG Electronics Mobilecomm U.S.A., Inc., and LG Electronics, Inc., (together "LG"), allege as follows:[1]

THE PARTIES

1. 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.

2. 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).

[1] An amended complaint supersedes the original complaint and renders it of no legal effect, *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994), rendering a motion to dismiss the original complaint moot. *See, e.g., Mangum v. United Parcel Services*, No. 3:09-cv-0385, 2009 WL 2700217 (N.D. Tex. Aug. 26, 2009).

3. LG Electronics U.S.A., Inc., is a Delaware corporation having a regular and established place of business at 2151-2155 Eagle Parkway, Fort Worth, Texas 76177. LGE offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas.

4. LG Electronics Mobilecomm U.S.A., Inc. is a California corporation having a regular and established place of business in San Diego, California. LG Electronics Mobilecomm U.S.A., Inc. offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas.

5. LG Electronics, Inc. is a corporation organized under the laws of Korea with a principal place of business at LG Twin Tower 128, Yeoui-daero, Yeongdeungpo-gu, 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 subject matter jurisdiction under 28 U.S.C. §§ 1331, and 1338(a).

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,993,049)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,993,049 ("the '049 Patent"), entitled COMMUNICATION SYSTEM, which issued on January 31, 2006. A copy of the '049 Patent is attached as Exhibit A.

9. Uniloc USA is the exclusive licensee of the ’049 Patent, with ownership of all substantial rights, including the right to grant sublicenses, to exclude others, and to enforce and recover past damages for infringement.

10. The ’049 Patent describes in detail and claims in various ways inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data therebetween using polling of secondary devices by a primary device.

11. The ’049 Patent describes problems and shortcomings in the then-existing field of communications between devices and describes and claims novel and inventive technological improvements and solutions to such problems and shortcomings. The technological improvements and solutions described and claimed in the ’049 Patent were not conventional or generic at the time of their respective inventions but involved novel and non-obvious approaches to the problems and shortcomings prevalent in the art at the time.

12. The inventions claimed in the ’049 Patent involve and cover more than just the performance of well-understood, routine and/or conventional activities known to the industry prior to the invention of such novel and non-obvious systems and devices by the ’049 Patent inventor.

13. The inventions claimed in the ’049 Patent represent technological solutions to technological problems. The written description of the ’049 Patent describes in technical detail each of the limitations of the claims, allowing a person of ordinary skill in the art to understand what the limitations cover and how the non-conventional and non-generic combination of claim elements differ markedly from and improved upon what may have been considered conventional or generic.

14. LG imports, uses, offers for sale, and sells in the United States electronic devices that utilize Bluetooth Low Energy version 4.0 and above ("Bluetooth"), such as those designated: LG G7 ThinQ, LG Q7, LG Q7+, LG Q7α, LG Q Stylus, LG Q Stylus+, LG Q Stylusα, LG V35 ThinQ, LG V30, LG V30+, LG Aristo 2, LG Tribute Dynasty, LG X charge, LG Q6, LG G6+, LG G6, LG Rebel 3, LG Fiesta 2, LG V20, LG Wine, LG X venture, LG Stylo 3, LG Stylo 3 Plus Titan, LG Stylo 3 Plus, LG Tribute HD, LG Rebel 2, LG Fiesta, LG K20 plus, LG Grace, LG K3, LG Stylo, LG phoenix 3, LG Risio 2, LG K8, LG Stylo 2 V, LG K20, LG K20 V, LG Exalt, LG Aristo, LG G5, LG Stylo 2, LG Fortune, LG X power, LG K10, LG G Vista, LG Escape 3, LG Stylo 2 Plus, LG Classic, LG Rebel, LG Treasure, LG X style, LG Premier, LG K7, LG G4, LG K4, LG Optimus Zone 3, LG K8 V, LG Phoenix 2, LG Tribute 5, LG V10, Tribute 5, Nexus 5X, LG Spree, LG G Vista 2, LG Leon, LG Escape 2, LG Sunrise L15G, LG Lucky, G Flex 2, LG Destiny, LG Sunset, LG Power, LG Access, G Flex, LG Volt 2, LG G Stylo, LG Lancet, LG Tribute 2, LG Logos, LG Transpyre, LG Optimus F60, LG G3, LG Ultimate 2, LG Tribute, LG G3 Vigor, LG Realm, LG Optimus L70, LG F90, LG Volt, LG Optimus Fuel, LG Lucid 3, LG Optimus L90, LG Optimus Zone 2, LG Optimus F3Q, LG F7, LG Nexus 5, LG G2, LG Optimus F6, LG Enact, LG Optimus Quest, LG Optimus F3, LG Optimus F7, LG Optimus F5, Optimus G Pro, Lucid 2, LG Nexus 4, LG Optimus REGARD, LG Mach, LG Optimus G, LG Escape, LG Spectrum 2, LG Intuition, LG Motion 4G, LG laptops such as, , LG-13Z980-A.AAS5U1, 13Z980-A.AAS7U1, 13Z980-U.AAW5U1, 14Z980-A.AAS7U1, 14Z980-U.AAW5U1, 15Z980-U.AAS5U1, 15Z980-A.AAS7U1, 15Z980-A.AAS8U1, 15Z980-R.AAS9U1, 13Z970-A.AAS5U1, 13Z970-U.AAW5U1, 14Z970-A.AAS5U1, 14Z970-A.AAS7U1, 15Z970-A.AAS7U1, 15Z970-U.AAS5U1, 15Z975-A.AAS7U1, 13Z975-A.AAS7U1, 15Z975-A.AAS5U1, LG wireless speakers such as, , 4.1 ch

Sound Bar Surround System with Wireless Surround Sound Speakers, 2.1 ch High Resolution Audio Sound Bar, 7.1ch 700W Wi-Fi Streaming Array Sound Bar with Wireless Subwoofer, NP8540 Music Flow H5 Wireless Speaker, NP8340 Music Flow H3 Wireless Speaker, NP7550 20W 2.0ch P7 Music Flow Portable Speaker, LAS851M 4.1ch 320W Music Flow Wi-Fi Streaming Sound Bar with Wireless Subwoofer, LAS751M 4.1ch 360W Music Flow Wi-Fi Streaming Sound Bar with Wireless Subwoofer, NP8740 Music Flow H7 Wi-Fi Streaming Speaker, NP5550B Music Flow P5 Portable Bluetooth Speaker, LAS855M 4.1ch 360W Music Flow Wireless Curved Sound Bar with Wireless Subwoofer, NP8350B Music Flow H4 Wi-Fi Streaming Portable Speaker, SoloG Portable Bluetooth Speaker, ZeroG Levitating Portable Bluetooth Speaker with Subwoofer, LOUDR Portable Hi-Fi Speaker System with Bluetooth Connectivity, NP7550 20W 2.0ch P7 Music Flow Portable Speaker, PBS-C510 LG Sound360 Bluetooth® Speaker, NP5550B Music Flow P5 Portable Bluetooth Speaker, NP8350B Music Flow H4 Wi-Fi Streaming Portable Speaker, SJ4R 4.1 ch Sound Bar Surround System with Wireless Surround Sound Speakers, LAS475B 2.1ch 300W Sound Bar with Wireless Subwoofer and Bluetooth® Connectivity, SJ9 5.1.2 ch High Resolution Audio Sound Bar with Dolby Atmos, SJC8 4.1 ch High Resolution Audio Sound Bar, SJ8 4.1 ch High Resolution Audio Sound Bar, SJ7 Sound Bar Flex with Wireless Subwoofer, SJ6B 2.1 ch High Resolution Audio Sound Bar, SJ5Y-S 2.1 ch High Resolution Audio Sound Bar, SJ4Y-S 2.1 ch High Resolution Audio Sound Bar, SH7B 360W 4.1ch Music Flow Wi-Fi Streaming Sound Bar with Wireless Subwoofer, SH2 100W 2.1ch Sound Bar with Bluetooth® Connectivity, LASC47 2.1 ch High Resolution Audio Sound Bar, LASC27 100W 2.0 ch Sound Bar with Bluetooth® Connectivity, LAS260B 100W 2.0 ch Sound Bar with Bluetooth® Connectivity, SJ2 160W 2.1ch Sound Bar with Bluetooth® Connectivity, SJ4Y 2.1 ch High Resolution Audio Sound Bar, SH5B 320W

2.1ch Sound Bar with Wireless Subwoofer and Bluetooth® Connectivity, SH4 2.1ch 300W Sound Bar with Wireless Subwoofer and Bluetooth® Connectivity, SH6 4.0ch Music Flow Wi-Fi Streaming Sound Bar with Dual Bass Ports, SH3K 2.1ch 300W Soundbar with Wireless Subwoofer, LAS950M 7.1ch 700W Wi-Fi Streaming Array Sound Bar with Wireless Subwoofer, HF85JA Ultra Short Throw Laser Smart Home Theater Projector, PH30JG HD LED Portable MiniBeam Projector w/ up to 4 hour battery life, HF80JA Laser Smart Home Theater Projector, PF1000UW Ultra Short Throw LED Home Theater Projector with webOS Smart TV and Magic Remote, PF1500W LED Home Theater Projector with webOS Smart TV and Magic Remote, PH450UG Ultra Short Throw LED Projector with Embedded Battery, PW1500 1500 Lumen Minibeam LED Projector With Screen Share and Bluetooth Sound Out, PH550 Minibeam LED Projector with Built-In Battery, Bluetooth Sound Out and Screen Share, PH150G LED Projector with Embedded Battery and Screen Share, PV150G Minibeam LED Projector with Embedded Battery, PF1000UA Ultra Short Throw LED Home Theater Projector with Digital TV Tuner, PH450U Ultra Short Throw LED Projector with Embedded Battery and Digital TV Tuner, and PH150B Portable HD LED Projector (collectively "Accused Infringing Devices").

15. The Accused Infringing Devices are electronic devices that operate in compliance with Bluetooth Low Energy (LE) standards, including by implementing communications wherein a first or primary device broadcasts messages including data to a second or secondary device to poll the second or secondary device that responds to the first or primary device when the second or secondary device has data to transmit to the first or primary device.

16. LG has infringed, and continues to infringe, at least claims 2-6 and 8-9 of the ’049 Patent in the United States, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. §271(a).

17. The Accused Infringing Devices include a Bluetooth module and broadcast advertising message packets from the primary advertiser device over pre-defined advertising channels to the secondary scanner device which primary and secondary devices comprise a communications system. These message packets contain predetermined fields such as a preamble, access address and PDU header. An additional data field for polling at least one secondary station can be added to the message packet.

18. The advertising message packets are transmitted on multiple advertising channels, such as “Adv Ch(k)”, “Adv Ch(k+1)” and “Adv Ch(k+2)” during the first advertising event, and on two advertising channels (“Adv Ch(k)” and “Adv Ch(k+1)”) during a second advertising event.

19. A variable PDU Payload field is added to the advertising messages prior to transmitting the packet. The PDU Payload includes the advertising payload data, which varies based on the type of advertising message being sent. In the case of a connectable undirected advertising message (“ADV_IND”), the scanner device may respond back to the advertiser by sending a scan request (SCAN_REQ) or connect request (CONNECT_IND PDU). The PDU header field contains a Length field which, when read by an scanner device, indicates the presence of the PDU payload data. The PDU header includes the PDU Type field, which indicates the type of advertising message and PDU payload data and thus, allows the scanner device to know whether the advertising event can be responded to and responding when the scanner device has data to send to the advertiser device.

20. When the advertising event is, for example, a "connectable undirected" ("ADV _IND") event and the PDU payload is present, the scanner devices can read the PDU payload data and respond by sending a "scan request" ("SCAN_REQ") or "connect request" ("CONNECT_IND") "response PDU" to the advertiser device.

21. LG specifically, knowingly and intentionally incorporates into the Accused Infringing Devices components and software that enable the devices automatically as described above to communicate in accordance with Bluetooth protocols.

22. In its marketing, promotional and/or instructional materials, including those identified below, LG also specifically and intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to send and receive data packets in accordance with Bluetooth protocols.

23. LG has infringed, and continues to infringe, at least claims 2-6 and 8-9 of the '049 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices. LG's customers who use those devices in accordance with LG's instructions infringe at least claims 2-6 and 8-9 of the '049 Patent, in violation of 35 U.S.C. § 271(a). LG intentionally instructs its customers to use the Accused Infringing Devices in an infringing manner as described above through training videos, demonstrations, brochures, installation and user guides, such as those located at:

- www.lg.com
- www.lg.com/us/search.lg?search=bluetooth
- http://www.lg.com/us/support-mobile/lg-H820-Silver
- http://www.lg.com/us/support/manuals-documents
- www.youtube.com

- www.youtube.com/watch?v=ZK8tFa9S6nE
- www.youtube.com/watch?v=K81Qr-A6cns
- www.youtube.com/watch?v=WeDxvqwhIlM
- www.youtube.com/watch?v=ZvI5pBOO_yM
- www.youtube.com/watch?v=FDMsCU9QaWA
- www.youtube.com/watch?v=7kX12RVJVbw
- www.youtube.com/watch?v=9VkanCyyseA
- www.youtube.com/watch?v=zy7FBx8F0ZE
- www.youtube.com/watch?v=qQWeZSju6Kk
- www.youtube.com/watch?v=XmBWHumnDmY
- www.youtube.com/watch?v=Rti5mZ8i0Us

LG is thereby liable for infringement of the ’049 Patent under 35 U.S.C. § 271(b).

24. LG has also infringed, and continues to infringe, at least claims 2-6 and 8-9 of the ’049 patent by offering to sell, selling and/or importing the Accused Infringing Devices knowing that the devices are used in practicing the processes, or using the systems, of the ’049 patent, and constitute a material part of the invention. LG knows portions of the Accused Infringing Devices are especially made or especially adapted for use as described above to infringe the ’049 patent, and are not a staple article, or a commodity of commerce suitable for substantial noninfringing use. LG is thereby liable for infringement of the ’049 Patent under 35 U.S.C. § 271(c).

25. LG will have been on notice of the ’049 Patent since, at the latest, the service of the Original Complaint upon it in this case. 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 at least claims 2-6 and 8-9 of the ’049 Patent by others,

including its customers. Despite that knowledge, and as further evidence of its intent, LG has refused to discontinue its infringing acts and to remove the infringing functionality from the Accused Infringing Devices, or otherwise place a non-infringing limit on their use.

26. LG may have infringed the ’049 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

27. Uniloc has been damaged by LG’s infringement of the ’049 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against LG:

(A) declaring that LG has infringed the ’049 Patent;

(B) awarding Uniloc its damages suffered as a result of LG’s infringement of the ’049 Patent;

(C) awarding Uniloc its costs, attorneys’ fees, expenses, and interest, and

(D) granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

Date: July 2, 2018.

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on July 2, 2018.

/s/ Kevin Gannon
Kevin Gannon