

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

UNILOC USA, INC; UNILOC LICENSING
USA LLC; UNILOC 2017, LLC,

Plaintiffs,

v.

AMAZON.COM, INC.; AMAZON WEB
SERVICES, INC.; AMAZON DIGITAL
SERVICES, LLC; AMAZON DIGITAL
SERVICES, INC.; AMAZON
FULFILLMENT SERVICES, INC.,

Defendants.

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§ CIVIL ACTION NO. 2:18-cv-00321
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§ PATENT CASE
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§ JURY TRIAL DEMANDED
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ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc., Uniloc Licensing USA LLC, and Uniloc 2017, LLC (together “Uniloc”), as and for their complaint against defendants, Amazon.com, Inc., Amazon Web Services, Inc., Amazon Digital Services, LLC, Amazon Digital Services, Inc., and Amazon Fulfillment Services, Inc. (together “Amazon”) allege as follows:

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

2. Uniloc Licensing USA LLC is a Delaware corporation having places of business at 1209 Orange Street, Wilmington, Delaware 19801 and 620 Newport Center Drive, Newport Beach, California 92660.

3. Uniloc 2017 LLC is a Delaware corporation having places of business at 1209 Orange Street, Wilmington, Delaware 19801 and 620 Newport Center Drive, Newport Beach,

California 92660.

4. Uniloc holds all substantial rights, title and interest in and to the asserted patent.

5. 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.

6. On information and belief, Defendant Amazon Digital Services, LLC is a Delaware limited liability company with a principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon Digital Services, LLC can be served with process through its registered agent, the Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Defendant Amazon Digital Services, LLC resides in this judicial district. Defendant Amazon Digital Services, LLC regularly conducts business in this district.

7. On information and belief, Amazon Digital Services, Inc. is a Delaware corporation with its principal place of business at 410 Terry Avenue North, Seattle, WA98109. Amazon Digital Services, Inc. can be served through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218. Defendant Amazon Digital Services, Inc. resides in this judicial district. Defendant Amazon

Digital Services, Inc. regularly conducts business in this district.

8. On information and belief, Amazon Web Services, Inc. is a Delaware corporation with a principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon Web Services, Inc. can be served with process through its registered agent, Corporation Service Company, at 211 E 7st., Ste 620, Austin, TX 78701. Defendant Amazon Web Services, Inc. resides in this judicial district. Defendant Amazon Web Services, Inc. regularly conducts business in this district.

9. On information and belief, Defendant, Amazon Fulfillment Services, Inc. is a Delaware corporation with a principal office located at 410 Terry Avenue North, Seattle, Washington. Defendant, Amazon Fulfillment Services, Inc. resides in this judicial district. Defendant, Amazon Fulfillment Services, Inc. regularly conducts business in this district.

10. Amazon has a regular and established place of business in this District, including, e.g., distribution facilities, employees, and other business. For example, Amazon's property was appraised on the property tax rolls by Denton County at \$248 million and \$428,000. <https://www.dentoncad.com/api/notices/notice/699143?year=2017;> <https://www.dentoncad.com/api/notices/notice/659411?year=2017;> <https://blog.taxjar.com/amazon-warehouse-locations/> (“#DFW6 – 940 W Bethel Road Coppell, TX 75019”); <https://trustfile.avalara.com/resources/amazon-warehouselocations/>. As another example, Amazon has its Amazon Fulfillment Center FTW3-4 at 15201 Heritage Pkwy, Fort Worth, TX 76177, which is in this District. Amazon also maintains data center(s) in Dallas/Fort Worth area, which is involved in the operation of the accused instrumentalities. Amazon offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in this District. Amazon derives financial benefits through its business in Texas and in this District. *See, e.g.,* <http://dir.texas.gov/View->

[Search/ContractsDetail.aspx?contractnumber=DIR-TSO-2733;](#)

<https://aws.amazon.com/contractcenter/cloud-services-for-the-state-of-texas/>.¹

JURISDICTION

11. 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).

12. This Court has personal jurisdiction over Amazon in this action because Amazon has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Amazon would not offend traditional notions of fair play and substantial justice. Amazon has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patent.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Amazon is registered to do business in Texas, and upon information and belief, Amazon has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. Amazon has regular and established place of business in this District, as set forth above.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,628,712)

14. Uniloc incorporates the preceding paragraphs above by reference.

15. U.S. Patent No. 6,628,712 (“the ’712 Patent”), entitled SEAMLESS SWITCHING

¹ See also, e.g., <http://www.costar.com/News/Article/Amazon-Establishes-Austin-HQ-in-Domain-7/171852>; <http://www.datacenterknowledge.com/archives/2008/11/18/whereamazons-data-centers-are-located>; <http://www.govtech.com/computing/Texas-and-Amazon-Unite-on-Cloud-Services-Contract.html>; http://publishingext.dir.texas.gov/portal/internal/contracts-and-services/Contracts/Contract%20DIR_TSO_2733.pdf.

OF MPEG VIDEO STREAMS that issued on September 30, 2003. A true and correct copy of the '712 Patent is attached as Exhibit A hereto.

16. Pursuant to 35 U.S.C. § 282, the '712 Patent is presumed valid.

17. The '712 Patent describes inventive features that are not well-understood, routine, and conventional.

18. Amazon makes, uses, offers for sale, sells and/or imports into the United States a platform marketed under the name "Amazon Web Services" or "AWS". Products falling within this marketed family include services and platforms called "Amazon Elastic Transcoder" or "Elastic Transcoder" (e.g., <https://aws.amazon.com/elastictranscoder>) and "Amazon Elemental MediaTailor" or "MediaTailor" (e.g., <https://aws.amazon.com/mediatailor/>). Amazon Elastic Transcoder allows to convert media files stored in Amazon Storage Service (Amazon S3) into media files in the formats required by consumer playback devices. For example, media owners can convert large, high-quality digital media files into formats that users can play back on mobile devices, tablets, web browsers, and connected televisions. AWS Elemental MediaTailor Provides streaming of video and in broadcast-grade video quality. AWS Elemental MediaTailor delivers automated reporting based on both client and server-side ad delivery metrics, making it easy to accurately measure ad impressions and viewer behaviour. These services and platforms utilize and function with the Amazon Web Services platform. Collectively, such a system is the "Accused Infringing Devices".

19. The Accused Infringing Devices include various devices and platforms that utilizes the Amazon Web Services to switched between data streams.

20. Amazon Elastic Transcoder switches between first and second input clips from an originating content source.

21. Amazon S3 storage is linked to Amazon Elastic Transcoder. Amazon Elastic

Transcoder stitches together parts, or clips, from multiple input files to create a single output. This provides single output from different inputs, such as separate recording sessions or highlights from any event. A media owner or operator can specify multiple inputs while creating job to combine clips from multiple inputs. The Amazon Elastic Transcoder stitches clips together in the order that operator specifies in the job request. Using the Amazon Elastic Transcoder, Amazon S3 and Amazon CloudFront operator can store, transcode and deliver the content. By setting the S3 permissions for CloudFront distribution in Amazon Elastic Transcoder, multiple output videos can be transcoded and delivered via progressive download or adaptive bitrate streaming (HLS, Smooth, or MPEG-DASH) with CloudFront. The Amazon Elastic Transcoder ensures a smooth delivery of the video content through Amazon CloudFront.

22. Amazon S3 storage is linked to AWS Elemental MediaTailor and storage coupled with Ad Decision server(s). AWS Elemental MediaTailor allows video providers to insert individually targeted advertising into video streams without sacrificing broadcast-level quality-of-service. AWS Elemental MediaTailor combines video content requested by the consumer with ads.

23. A player or content distribution network (CDN) such as Amazon CloudFront sends a request for live or video-on-demand (VOD) HLS content to AWS Elemental MediaTailor. The request includes parameters from the player that include information about the viewer. AWS Elemental MediaTailor pulls the fully formed template manifest from the content origin server (such as AWS Elemental MediaConvert). This manifest includes ad markers so that AWS Elemental MediaTailor knows where to perform an ad insertion or ad replacement. AWS Elemental MediaTailor transcodes the ad at the time of the ad segment request. If an ad is not already transcoded, the service doesn't present it for playback at the first request. In particular, AWS Elemental MediaConvert offers support for various input formats and adaptive bitrate (ABR) packaging output formats for delivering high-quality content from a range of sources onto primary

and multiscreen devices. AWS Elemental MediaConvert takes in an input file and the information provided by operator about that file and turns it into one or more output files, based on the instructions and transcoding settings done by operator. ABR streaming outputs include, but are not limited to, CMAF, Apple HLS, DASH ISO, and Microsoft Smooth Streaming

24. AWS Elemental MediaTailor service allows us deliver targeted ads that are seamlessly inserted into the main content for a great viewer experience.

25. Amazon has directly infringed, and continues to directly infringe one or more claims of the '712 Patent in the United States during the pendency of the '712 Patent, including at least claim 1 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale and/or selling the Accused Infringing Devices that operate as described above.

26. In addition, should the Accused Infringing Devices be found to not literally infringe claims of the '712 Patent, use of the devices would nevertheless infringe one or more claims of the '712 Patent. More specifically, the devices perform substantially the same function (providing a single output from inputs), in substantially the same way (via a switch, controller, and transcoding system) to yield substantially the same result (a single transcoded video). Amazon would thus be liable for direct infringement under the doctrine of equivalents.

27. Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '712 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale or selling the Accused Infringing Devices. Amazon's customers who use such devices in accordance with Amazon's instructions directly infringe one or more of claims of the '712 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://aws.amazon.com/elastictranscoder/>
- <https://aws.amazon.com/documentation/elastic-transcoder/>

- <https://www.youtube.com/watch?v=wSYHdt1TJVQ>
- <https://aws.amazon.com/mediatailor/>
- <https://aws.amazon.com/documentation/mediatailor/>
- <https://docs.aws.amazon.com/mediatailor/latest/ug/monitoring.html>

Amazon is thereby liable for infringement of the '712 Patent under 35 U.S.C. § 271(b).

28. Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '712 Patent 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 '712 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

29. Amazon will have been on notice of the '712 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 and contribute to the infringement of one or more of claims of the '712 Patent.

30. Amazon may have infringed the '712 Patent through other devices, systems, and software utilizing the same or reasonably similar functionality as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

31. Uniloc has been damaged by Amazon's infringement of the '712 Patent.

PRAYER FOR RELIEF

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

- (A) declaring that Amazon has infringed the '712 Patent;
- (B) awarding Uniloc its damages suffered as a result of Amazon's infringement of the

'960 Patent pursuant to 35 U.S.C. § 284;

- (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: July 27, 2018

Respectfully submitted,

By: /s/ James L. Etheridge

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