

**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-00329  
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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](http://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/>.<sup>1</sup>

### **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. 6,944,221)

14. Uniloc incorporates the preceding paragraphs above by reference.

15. U.S. Patent No. 6,944,221 (“the ’221 Patent”), entitled BUFFER MANAGEMENT

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<sup>1</sup> 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](http://publishingext.dir.texas.gov/portal/internal/contracts-and-services/Contracts/Contract%20DIR_TSO_2733.pdf).

IN VARIABLE BITRATE COMPRESSION SYSTEMS that issued on September 13, 2005. A true and correct copy of the '221 Patent is attached as Exhibit A hereto.

16. Pursuant to 35 U.S.C. § 282, the '221 Patent is presumed valid.

17. The '221 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 Elemental MediaConvert” or “MediaConvert” (e.g., <https://aws.amazon.com/mediaconvert/>) and Amazon Elemental MediaLive or “MediaLive” (e.g., <https://aws.amazon.com/medialive>). Amazon also have a video platform referred to as Amazon Video, which runs on AWS, that provides Internet video on demand to consumers. Amazon Video, MediaConvert, and MediaLive support adaptive rate transcoding as well as transcoding for different devices – whether it be for ultimate display on a mobile device or television. These services and platforms utilize and function with the Amazon Web Services platform. Collectively, such a system is the “Accused Infringing Devices”.

19. A typical delivery of on-demand video in the Accused Infringing Devices use Amazon S3 for storage or obtains an encoded live, AWS Elemental MediaConvert or MediaLive for video processing, and Amazon CloudFront for delivery. Content with a first bit rate can be stored in Amazon S3 (or another storage device. MediaConvert takes content from S3 and transcodes it according to constraints specified such as bandwidth, size, and format. MediaLive takes an encoded live video feed at a first bit rate and transcodes it according to constraints specified such as bandwidth, size, and format. The transcoded video at a second bit rate can be sent to the CloudFront, which caches content at network edges for low latency and high throughput video delivery.

20. Amazon has directly infringed and continues to directly infringe one or more claims of the '221 Patent in the United States during the pendency of the '221 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.

21. In addition, should the Accused Infringing Devices be found to not literally infringe claims of the '221 Patent, use of the devices would nevertheless infringe one or more claims of the '221 Patent. More specifically, the devices perform substantially the same function (transmitting a second bit rate stream as a percentage of a bit rate of a first stream) in substantially the same way (deriving a second bit rate from the first bit rate) to yield substantially the same result (a second bit rate video signal for transmission). Amazon would thus be liable for direct infringement under the doctrine of equivalents.

22. Amazon may have infringed the '221 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.

23. Uniloc has been damaged by Amazon's infringement of the '221 Patent.

#### **PRAYER FOR RELIEF**

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

- (A) declaring that Amazon has infringed the '221 Patent;
- (B) awarding Uniloc its damages suffered as a result of Amazon's infringement of the '221 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 31, 2018

Respectfully submitted,

*By: /s/ James L. Etheridge*

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