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

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| UNILOC USA, INC; UNILOC LICENSING USA LLC; UNILOC 2017, LLC, | § § § | CIVIL ACTION NO. 2:18-cv-00342 |
| Plaintiffs, | § § | |
| v. | § § | PATENT CASE |
| AMAZON.COM, INC.; AMAZON WEB SERVICES, INC.; AMAZON DIGITAL SERVICES, LLC; AMAZON DIGITAL SERVICES, INC.; AMAZON FULFILLMENT SERVICES, INC., | § § § § § § § | JURY TRIAL DEMANDED |
| Defendants. | § § | |

**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 it 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. 6,993,182)

14.      Uniloc incorporates the preceding paragraphs above by reference.

15.      U.S. Patent No. 6,993,182("the '182 Patent"), entitled METHOD   AND

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

APPARATUS FOR DETECTING SCENE CHANGES IN VIDEO USING A HISTOGRAM 0F

FRAME DIFFERENCES that issued on January 31, 2006.  A true and correct copy of the '182 Patent

is attached as Exhibit A hereto.

16.     Pursuant to 35 U.S.C. § 282, the '182 Patent is presumed valid.

17.     The '182 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 Rekognition" or

"Rekognition" (e.g., https://aws.amazon.com/rekognition) and "Amazon Sagemaker" or

"Sagemaker" (e.g., https://aws.amazon.com/sagemaker/). Amazon Rekognition is a visual analysis

service. Users can search, verify and organize millions of images using Rekognition. Common use

cases of Amazon Rekognition include making searchable image and video libraries, face-based user

verification, sentiment and demographic analysis, facial recognition, unsafe content detection,

celebrity detection and text detection. Amazon Sagemaker is a fully-managed platform that enables

developers and data scientists to quickly and easily build, train, and deploy machine learning

models at any scale. Amazon Sagemaker provides several built-in machine learning algorithms that

are tailored to specific use cases like, Image Classification algorithm, Sequence2Sequence, Latent

Dirichlet Algorithm (LDA) and Neural Topic Model (NTM). 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 calculate and classify scenes to detect scene changes within a video.

Scenes falling within predetermined range are labeled with a characteristic value.

20.     Rekognition generates labels based on image analysis, including images from frames of videos. These labels are indexed using any document/database management tools such as Elasticsearch. Amazon Rekognition enables indexing of images for use cases like Property Search using image labels/tags that are dynamically added to the ElasticSearch Database.  Amazon Rekognition Image operations can analyze images that are supplied as image bytes or images stored in an Amazon S3 bucket.  Amazon Rekognition uses high scalable, deep learning technology for scene and object detection.

21.     Amazon Sagemaker allows quickly building and training machine learning models and deploying the models directly into production environments. Amazon Sagemaker can be used as a substitute for Amazon Rekognition for object and scene detection, with the enhancement that Sagemaker also enables training models with user's dataset containing custom classes for the scene and object detection.

22.     Both Rekognition and Sagemaker uses histograms in their respective image analysis.

23.     Amazon has directly infringed, and continues to directly infringe one or more claims of the '182 Patent in the United States during the pendency of the '182 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.

24.     In addition, should the Accused Infringing Devices be found to not literally infringe claims of the '182 Patent, use of the devices would nevertheless infringe one or more claims of the '182 Patent. More specifically, the devices perform substantially the same function (analyzing values of frames of videos), in substantially the same way (using heuristics of values to determining whether a characteristic value falls within a range) to yield substantially the same result (scene change detection). Amazon would thus be liable for direct infringement under the doctrine of equivalents.

25.     Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '182 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale or sell1ing 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 '182 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/rekognition
- https://aws.amazon.com/sagemaker/)
- https://docs.aws.amazon.com/rekognition/latest/dg/labels.html
- https://aws.amazon.com/blogs/aws/launch-welcoming-amazon-rekognition-video-service/
- https://aws.amazon.com/rekognition/video-features/
- https://docs.aws.amazon.com/rekognition/latest/dg/labels-detecting-labels-video.html

 Amazon is thereby liable for infringement of the '182 Patent under 35 U.S.C. § 271(b).

26.     Amazon has indirectly infringed and continues to indirectly infringe at least claim 1 of the '182 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 '182 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

27.     Amazon will have been on notice of the '182 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 '182 Patent.

28.     Amazon may have infringed the '182 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.

29.     Uniloc has been damaged by Amazon's infringement of the '182 Patent.

## PRAYER FOR RELIEF

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

(A)     declaring that Amazon has infringed the '182 Patent;

(B)     awarding Uniloc its damages suffered as a result of Amazon's infringement of the '182 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: August 5, 2018                    Respectfully submitted,

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