

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNILOC 2017 LLC and  
UNILOC LICENSING USA, LLC,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Civil Action No. 1:18-cv-00907

**JURY TRIAL DEMANDED  
(PATENT CASE)**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc 2017 LLC and Uniloc Licensing USA LLC (together, “Uniloc”), for their complaint against defendant, Apple Inc. (“Apple”), allege as follows:

**THE PARTIES**

1. Uniloc 2017 LLC is a Delaware limited liability company having addresses at 1209 Orange Street, Wilmington, Delaware 19801, 620 Newport Center Drive, Newport Beach, California 92660 and 102 N. College Avenue, Suite 303, Tyler, Texas 75702.
2. Uniloc Licensing USA, LLC is a Delaware limited liability company having addresses at 1209 Orange Street, Wilmington, Delaware 19801, 620 Newport Center Drive, Newport Beach, California 92660 and 102 N. College Avenue, Suite 303, Tyler, Texas 75702.
3. Uniloc holds all substantial rights, title and interest in and to U.S. Patent No. 7,020,252 titled GROUP AUDIO MESSAGE BOARD that issued on March 28, 2006 (“the ’252 Patent”).
4. Apple is a California corporation having regular and established places of business at 12535 Riata Vista Circle and 5501 West Parmer Lane, Austin, Texas. Apple employs thousands

of people, including hundreds of engineers, who work at these locations in Texas. The work done at these Apple locations in Texas includes work related to Apple's iPhones, iPads, iPods and Mac products that include Apple's iMessage functionality. Apple can electronically access documents at its facilities in California and elsewhere from these locations in Austin, Texas, as found, *inter alia*, in *e-Watch Inc. v. Apple Inc.*, 2016 WL 7338342, at \*2 (E.D. Tex. Dec. 19, 2016) and *TracBeam, LLC v. Apple Inc.*, 2015 WL 5786449 (E.D. Tex. Sept. 29, 2015).

5. Apple also operates brick-and-mortar Apple Stores at Barton Creek Square, Austin and at Apple Domain Northside, Austin, Texas. *See* [www.apple.com/retail/](http://www.apple.com/retail/). Apple uses, offers for sale and sells iPhones, iPads, iPods and Mac products that include Apple's iMessage functionality at these Apple Stores. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

### **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. 7,020,252)

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

8. The '252 Patent describes in detail and claims in various ways inventions in capturing, storing and forwarding messages between multiple users in a wireless communal audio message system.

9. The '252 Patent describes problems and shortcomings in the then-existing field of such communal audio message systems and inventive technological improvements and solutions to such problems and shortcomings. *See* Ex. A at 1:13-56. As evidenced by the allowance thereof,

the technological improvements and solutions described and claimed in the '252 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.

10. The inventions claimed in the '252 Patent involve and cover more than just the performance of well-understood, routine, and conventional activities known to the industry prior to the invention of such novel and non-obvious methods, systems and devices.

11. The inventions claimed in the '252 Patent represent technological solutions to technological problems. The written description of the '252 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.

12. Apple imports, uses, offers for sale and/or sells in the United States numerous electronic devices on which Apple has installed Apple's iMessage group audio capability that is used by Apple's customers to send voice messages to multiple other parties, such devices including: iPhones, iPads and iPod touch running iOS 5 or later and Mac products running OS X or later ("iMessage Devices"). The iMessage Devices communicate with Apple's iMessage servers that are used to receive, record and store for playback, *inter alia*, voice iMessages sent by users of the iMessage Devices.

13. Using Apple's Push Notification Service, Apple's iMessage service allows users of the iMessage Devices to set up a connection with one or more Apple iMessage servers to record voice messages for multiple other iMessage users to listen to via WiFi and cellular data networks.

14. The Apple iMessage servers offer users of the iMessage Devices the option of having voice iMessages expire after a set period of time, for example, two minutes after being accessed. When such a parameter has been selected and the two minutes has expired, further access to the recorded voice iMessage is denied and users of the iMessage Devices cannot have the recorded message played back.

15. Apple has infringed, and continues to infringe, at least claim 1 of the '252 Patent in the United States by importing, using, offering for sale and/or selling the accused iMessage service and Devices as described above in violation of 35 U.S.C. § 271(a).

16. Apple may have infringed the '252 Patent through other software and devices utilizing the same or reasonably similar group audio messaging functionality as described above.

17. Uniloc has been damaged by Apple's infringement of the '252 Patent.

#### **PRAYER FOR RELIEF**

Uniloc requests that the Court enter judgment against Apple:

- (A) declaring that Apple has infringed the '252 Patent;
- (B) awarding Uniloc its damages suffered as a result of Apple's infringement of the '252 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 of all issues so triable under Fed. R. Civ. P. 38.

Date: October 22, 2018

Respectfully submitted,

*/s/ Edward R. Nelson III*

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