

DEVICE and issued on December 28, 2004 (“the ’654 Patent”). A copy of the ’654 Patent is attached as Exhibit A.

5. Motorola is a Delaware corporation having a regular and established place of business in or around Chicago, Illinois and may be served with process through its registered agent for service in Delaware: The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

6. Motorola imports, uses, offers for sale and/or sells its products and/or services, including those accused herein of infringement, to customers and potential customers located in Delaware.

JURISDICTION

7. 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. 6,836,654)

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

9. The ’654 Patent describes in detail and claims in various ways inventions in systems and devices for improved blocking and unblocking of the operational mode of electronic devices such as cellphones, using timing and identifiers.

10. The ’654 Patent describes problems and shortcomings in the then-existing field of antitheft measures for portable telephones 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 ’654 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.

11. The inventions claimed in the '654 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 methods, systems and devices by the '654 Patent inventor.

12. The inventions claimed in the '654 Patent represent technological solutions to technological problems. The written description of the '654 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.

13. Motorola imports, uses, offers for sale and sells in the United States electronic devices that utilize antitheft measures, including those designated: Moto G6 Series, Moro E5 Series, Moto X4 Series, Moto Z2 Series, Moto G5 Series, Moto E4 Series, Moto Z series, Moto G Series, Moto G4 Series, Moto C Series, Moto X Series, Moto XT-XXX Series, Moto MT-XXX Series, Moto ME-XXX Series, Moto E3 Series, Moto E Series, Moto G4 Series, Moto M Series, Moto 360 Series, Moto Maxx, MotoGO TV, Motoluxe Series, MotoKey Series, Droid Turbo Series, Droid Maxx Series, Droid Ultra Series, Droid Mini Series, Droid RAZR Series, Droid 3, Droid 4, Droid XYBOARD, Droid Bionic Series, Droid X Series, RAZR Series, Atrix Series, Xoom Series, Defy Series, Electrify Series, XT-XXX Series, PhotonQ, Admiral XT-XXX, Milestone Series, EX-XXX Series, Nexus, Luge, MotoGo, Gleam+, ME632, WX294, Triumph, Photon 4G and Moto Cliq 2 (collectively "Accused Infringing Devices").

14. The Accused Infringing Devices are mobile radiotelephony devices incorporating antitheft technology that utilizes timing and identification codes to block and unblock normal operation of the device.

15. As set forth in the claim chart attached hereto as Exhibit B, Motorola has directly infringed, and continues to directly infringe, at least claims 1, 3-5 and 7 of the '654 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).

16. Motorola specifically, knowingly and intentionally incorporates into the Accused Infringing Devices components and software that are intended by Motorola to enable the devices to operate as described above to infringe the '654 Patent.

17. In its marketing, promotional and/or instructional materials, including those identified below, Motorola also intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to infringe the asserted claims of the '654 Patent.



18. Motorola has also infringed, and continues to infringe, claims 1, 3-5 and 7 of the '654 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices. Motorola's customers who use those devices in accordance with Motorola's instructions and intent and knowledge directly infringe claims 1, 3-5 and 7 of the '654 Patent in violation of 35 U.S.C. § 271(a). Motorola intentionally instructs and induces its customers to infringe through training videos, demonstrations, brochures, installation and user guides and instructional and marketing materials, such as one or more of the following:

- <https://motorola-global-portal-en-ca.custhelp.com/ci/fattach/get/1064475/1418241388/redirect/1/session/L2F2LzEvdGltZS8xNTMxMjIwNDE5L3NpZC9JdVBOaWpSbg==/filename/68017754001c.pdf>:

On, off, lock & unlock

Your touchscreen is on when you need it and off when you don't. To turn the screen on, press the Power key.



- Screen off & on:** Press the Power key to turn the screen off & on.
- Screen lock:** To unlock the screen, touch  and drag up. To use a password, pattern, PIN, or facial recognition security to unlock your screen, touch Apps  → **Settings** → **Security** → **Screen lock** (see "Screen lock").

- https://motorola-global-portal.custhelp.com/app/answers/indevice_detail/a_id/112159/p/30,67209833:

Security features - Moto Z Force

Your device has several different lock options available. If a lock is set for your screen, the screen goes dark and locks when the display goes to sleep or if you press the Power button.

To access your lock options, touch  > **Settings** > **Security** > **Screen lock**

Screen Lock Options

- Swipe** - provides no protection, but lets you get to the Home screen quickly.
- Pattern** - lets you draw a simple pattern with your finger to unlock the phone.
- PIN** - requires four or more numbers. Longer PINs tend to be more secure.
- Password** - requires four or more letters or numbers. This is the most secure option, as long as you create a strong password.

Important note: Your phone may contain security policies set by your IT administrator which may override any settings you attempt to set under screen security. Please contact your IT Admin for more information.

Automatically lock

Set the period of time after sleep, to lock your phone, except when kept unlocked by Smart Lock

Power button instantly locks

The power button will instantly lock your screen, except when kept unlocked by Smart Lock

Lock Screen Message

Add a lock screen message for anyone that finds your phone.

See also:

- moto x4 play User Guide, “Control with one touch”/”On, off, lock & unlock”
- moto z3 play User Guide, “Protect your phone”
- moto g6 play User Guide, “Protect your phone”
- moto e5 play User Guide, “Protect your phone”

Motorola is thereby liable for infringement of the '654 Patent under 35 U.S.C. § 271(b).

19. Motorola has also infringed, and continues to infringe, claims 1, 3-5 and 7 of the '654 patent by offering to sell, selling and/or importing the Accused Infringing Devices knowing that the devices are used in infringing the '654 patent, and constitute a material part of the invention. Motorola knows portions of the Accused Infringing Devices to be especially made or especially adapted such that, when in use by Motorola's customers as Motorola designed the Accused Infringing Devices and intends them to be used, directly infringe the '654 patent as shown in Exhibit B hereto. Motorola knows that such portions of the Accused Infringing Devices are not staple articles or a commodities of commerce suitable for substantial non-infringing use. Motorola is thereby liable for infringement of the '654 Patent under 35 U.S.C. § 271(c).

20. Motorola has been on notice of the '654 Patent since, at the latest, the service upon it of the original complaint in this case. Motorola has also been on notice of Uniloc's infringement allegations and theory of infringement since that date of service, and thus has known that its continued actions would induce and contribute to the infringement of claims of the '654 Patent. Despite that knowledge, and as further evidence of its intent, Motorola has refused to discontinue its infringing acts. Motorola has also induced and contributed to

infringement by failing to remove the infringing functionality from the Accused Infringing Devices or otherwise place a non-infringing limit on their use.

21. By the time of trial, Motorola will have known and intended (since, at the latest, receiving such notice) that its continued actions would actively induce and contribute to the infringement of the '654 Patent.

22. On April 2, 2013, U.S. Patent No. 8,412,270 issued to Motorola citing the '654 Patent as a reference.

23. Motorola may have infringed the '654 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

24. Uniloc has been damaged, in an amount to be determined, by Motorola's infringement of the '654 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Motorola:

- (A) declaring that Motorola has infringed the '654 Patent;
- (B) awarding Uniloc its damages suffered as a result of Motorola's infringement of the '654 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.

Respectfully submitted,

Dated: October 31, 2018

O'KELLY ERNST & JOYCE, LLC

/s/ Sean T. O'Kelly

Sean T. O'Kelly (No. 4349)
901 N. Market Street, Suite 1000
Wilmington, DE 19801
Tel: (302) 778-4000
Fax: (302) 295-2873
Email: sokelly@oelegal.com

Of Counsel:

Paul J. Hayes
Massachusetts State Bar No. 227000
Kevin Gannon
Massachusetts State Bar No. 640931
Aaron Jacobs
Massachusetts State Bar No. 677545
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
Tel: (617) 456-8000
Fax: (617) 456-8100
Email: phayes@princelobel.com
Email: kgannon@princelobel.com
Email: ajacobs@princelobel.com

ATTORNEYS FOR THE PLAINTIFFS