

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

<p>UNILOC 2017 LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>HUAWEI DEVICE USA, INC. and HUAWEI DEVICE CO. LTD.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.</p> <p>PATENT CASE</p> <p>JURY TRIAL DEMANDED</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its complaint against defendants, Huawei Device USA, Inc. and Huawei Device Co. Ltd. (together, “Huawei”), alleges:

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. Huawei Device USA, Inc. is a Texas corporation, having a principal place of business at 5700 Tennyson Parkway, Plano, Texas 75024 and may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

3. Huawei Device Co. Ltd. is a Chinese corporation, having a principal place of business in Shenzhen, China.

4. Huawei imports, uses, offers for sale, and sells its products and services, including those accused of infringement, to customers and potential customers located in the Eastern District of Texas.

JURISDICTION

5. 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).

CLAIM FOR PATENT INFRINGEMENT

6. Uniloc is the owner, by assignment, of U.S. Patent No. 6,836,654 (“the ’654 Patent”), entitled ANTI-THEFT PROTECTION FOR A RADIOTELEPHONY DEVICE which issued on December 28, 2004. A copy of the ’654 Patent is attached as Exhibit A.

7. 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 developed by Koninklijke Philips Electronics N.V.

8. 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 those problems and shortcomings.

9. 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 combination of claim elements differed markedly from and improved upon what may have been considered conventional or generic.

10. Huawei imports, uses, offers for sale, and sells in the United States electronic devices that utilize antitheft measures, including those designated: Honor 10, Mate RS Porsche Design, P20 Series, Y7 Prime, Y9, Honor 7C, MediaPad Series, Honor Series Mate 10 Porsche Design, Mate Series, P9 lite mini, Y5, Y3, P10 Lite, Enjoy 6, Honor 9i, Enjoy 5s, G7 Plus, Nexus 6P, GX8, P8lite, Snap To, G6005, G6800, Activa 4G, Fusion U8652, Ascend Series, Elate, Sensa LTE, Nova 2, Nova, Y6II and Summit (collectively, “Accused Infringing Devices”).

11. 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.

12. Huawei has infringed, and continues to infringe, claims of the '654 Patent in the United States, including claims 1, 3-5, and 7, by making, using, offering for sale, selling, and importing the Accused Infringing Devices.

13. Huawei knowingly and intentionally incorporates into the Accused Infringing Devices components and software that enable the devices to operate automatically as described above to infringe the '654 Patent.

14. In its marketing, promotional, and instructional materials, including those identified below, Huawei 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.

15. Huawei 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. Huawei's customers who use those devices in accordance with Huawei's instructions infringe claims 1, 3-5, and 7 of the '654 Patent. Huawei intentionally instructs its customers to

infringe through training videos, demonstrations, brochures, installation and user guides and instructional and marketing materials, such as those located at:

- www.huawei.com
- <https://support.huawei.com/>
- <https://consumer.huawei.com/us/support/>
- <https://consumer.huawei.com/us/support/phones/mate10-pro/>
- www.hihonor.com/us/support/manual-list/index.html
- <https://consumer.huawei.com/us/support/phones/ascend-xt/>
- <https://consumer.huawei.com/et-en/support/phones/y7/>
- www.youtube.com/
- www.youtube.com/user/HuaweiDeviceCo

16. Huawei has also infringed, and continues to infringe, claims 1, 3-5, and 7 of the '654 patent by offering to sell, selling, and importing the Accused Infringing Devices knowing that the devices include components that constitute a material part of the invention of the '654 patent. Huawei knows these components to be especially made or especially adapted for use in infringement of the '654 patent, and not a staple article, or a commodity of commerce suitable for substantial non-infringing use.

17. Huawei will have been on notice of the '654 Patent since, at the latest, the service of the complaint upon it in 2:18-cv-00310. Huawei has also been on notice of Uniloc's infringement allegations and theory of infringement since that date, 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, Huawei has refused to discontinue its infringing acts and has also induced infringement by failing to remove the infringing

functionality from the Accused Infringing Devices or otherwise place a non-infringing limit on its use.

18. By the time of trial, Huawei will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 1, 3-5, and 7 of the '654 Patent.

19. Huawei 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.

20. Uniloc has been damaged by Huawei's infringement of the '654 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Huawei:

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

Date: November 17, 2018

Respectfully submitted,

/s/ Paul J. Hayes

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