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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNILOC 2017 LLC,
 	
        Plaintiff,
 	
    v.
 	
HTC AMERICA, INC.,
 	
        Defendant.
	Case No.: 2:18-cv-01731
	
	COMPLAINT FOR PATENT INFRINGEMENT
	
	JURY TRIAL DEMANDED

        Plaintiff, Uniloc 2017 LLC ("Uniloc"), for its Complaint against defendant, HTC America, Inc. ("HTC"), alleges as follows:

THE PARTIES

        1.   Uniloc 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.   HTC is a Washington corporation having a regular and established place of business in Bellevue, Washington 98005 and may be served with process through its registered agent for service: Cogency Global Inc., 1780 Barnes Blvd. SW, Tumwater, Washington 98512.

        3.   HTC imports into the United States, and uses, offers for sale and/or sells its products, including those accused herein of infringement, to customers and potential customers located in this judicial district.

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JURISDICTION

4.   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. 7,167,487)

5.   Uniloc incorporates paragraphs 1-4 above by reference.

6.   Uniloc holds all substantial rights, title and interest in U.S. Patent No. 7,167,487 entitled NETWORK WITH LOGIC CHANNELS AND TRANSPORT CHANNELS which issued on January 23, 2007 ("the '487 Patent"). A copy of the '487 Patent is attached as Exhibit A to this Complaint.

7.   The '487 Patent describes in detail and claims in various ways inventions in wireless networks having logic channels and transport channels.

8.   The '487 Patent describes problems and shortcomings in the then-existing field of communications in wireless networks devices and describes and claims novel and inventive technological improvements and solutions to such problems and shortcomings.

9.   The written description of the '487 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 differed markedly from and improved upon what may have been considered conventional or generic.

10.   HTC imports, uses, offers for sale, and sells in the United States electronic devices that operate in compliance with HSPA/HSPA+ standardized in UMTS 3GPP Release 6 and above, including those identified in Exhibit B to this Complaint (collectively the "Accused Infringing Devices").

11.   The Accused Infringing Devices implement networks having a first plurality of logic channels and a second plurality of transport channels associated by the MAC layer for

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1   sending and receiving packet units in accordance with HSPA/HSPA+ standardized in UMTS

2   3GPP Release 6 and above using a minimum bit rate criteria.

3   12.   The Accused Infringing Devices communicate with a base station in a network by

4   associating logical channels with the transport channels, by means of a MAC layer. Each user

5   equipment ("UE") has a MAC Layer, which receives PDUs (packet units) on logical channels

6   and multiplexes the upper layer PDUs into transport blocks that are passed to the physical layer

7   using transport channels.

8   13.   A plurality of valid transport format combinations is allocated to the transport

9   channels, which combinations indicate the transport blocks provided for transmission on each

10 transport channel. For example, the UE is assigned transport format combinations (TFCs), used

11 for transmitting on transport channels. For the enhanced DCH (E-DCH) transport channel, the

12 UE is configured to use a specific enhanced TFCs (E-TFCs) for defining characteristics of

13 transport blocks.

14   14.   A selection algorithm is provided for selecting the transport format combinations.

15 The selection algorithm uses a minimum bit rate criteria applicable to the respective logic

16 channel. For example, when selecting a TFC from a set of valid TFCs, the selection algorithm

17 takes into account the priorities of the data flow to be mapped onto the transport channels.

18   15.   These priorities are set based on attributes of the Radio Bearer services, including

19 Quality of Service ("QoS"), which is defined and implemented by Policy and Control

20 Architecture (Release 15) (PCC) that identifies QoS as being implemented via various QCI

21 classes. The logical channels are mapped to transport channels in order of their priority.

22   16.   Certain QCI classes (1-4, 65-67, 75 and 82-83) include a Guaranteed Bit Rate

23 (GBR), which is ensured by the PCC and is a minimum bit rate requirement.

24   17.   HTC has infringed, and continues to infringe, at least claims 1, 3-6 and 12 of the

25 '487 Patent in the United States by making, using, offering for sale, selling and/or importing the

26 Accused Infringing Devices.

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1   18.   HTC specifically, knowingly and intentionally incorporates into the Accused

2   Infringing Devices components and software that enable the devices to operate automatically as

3   described above to infringe the '487 Patent.

4   19.   In its marketing, promotional and/or instructional materials, including those

5   identified below, HTC also specifically and intentionally instructs its customers to use the

6   Accused Infringing Devices in a manner that causes the devices to operate in accordance with

7   HSPA/HSPA+ standardized in UMTS 3GPP Release 6 and above.

8   20.   HTC has infringed, and continues to infringe, claims 1, 3-6 and 12 of the '487

9   Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices.

10 HTC's customers who use those devices in accordance with HTC's design, intent and

11 instructions infringe claims 1, 3-6 and 12 of the '487 Patent. HTC intentionally instructs its

12 customers to infringe through training videos, demonstrations, brochures, installation and user

13 guides, such as those located at one or more of the following:

14   •   www.htc.com, including:

15   •   www.htc.com/us/smartphones/

16   •   www.htc.com/us/smartphones/htc-u11/buy/

17   •   www.htc.com/us/support/

18   •   www.htc.com/us/support/htc-12-plus/

19   •   www.htc.com/us/support/htc-11/

20   •   www.htc.com/us/support/htc-desire-530/

21   •   www.htc.com/us/go/buy-now-htc-one-m8/

22   •   www.htc.com/us/support/htc-11-sprint/howto/
            making-a-call-with-smart-dial.html
23

       •   www.htc.com/us/support/usereguide/htc-one-m8/
24

       •   www.htc.com/mea-en/support/htc-one-m9/howto/601572.html
25

       •   www.htc.com/sea/support/htc-desire-626/howto/638319.html
26

       •   dl4.htc.com/Web_materials/Manual/HTC_U11/US/HTC_U11_US_
27   user_guide_O80.pdf

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- dl4.htc.com/Web_materials/Manual/HTC_10/US/HTC_10_ US_user_guide_O80.pdf

21.   HTC has also infringed, and continues to infringe, claims 1, 3-6 and 12 of the '487 Patent by offering to sell, selling and/or importing the Accused Infringing Devices knowing that the devices are used in networks that infringe the '487 Patent and constitute a material part of the claimed networks and network terminals. Upon receipt of this Complaint, HTC will know that portions of the software that provide the Accused Infringing Devices with the above-described functionality were especially designed and written solely to implement such infringing functionality as described above.

22.   HTC will have had notice of the '487 Patent since, at the latest, the service upon it of this Complaint. HTC will also have been on notice of Uniloc's infringement allegations and theory of infringement since that date of service, and thus will have known that its continued actions would infringe and cause infringement by others of claims 1, 3-6 and 12 of the '487 Patent. If, despite such knowledge, HTC refuses to discontinue its infringing acts, and continues to induce infringement by failing to remove or distinguish what it will know upon receipt of this Complaint to be infringing features of the Accused Infringing Devices or otherwise place a non-infringing limit on their use, such actions will be evidence of HTC's intent to cause infringement of the '487 Patent.

23.   By the time of trial, HTC will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 1, 3-6 and 12 of the '487 Patent.

24.   HTC may have infringed the '487 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

25.   Uniloc has been damaged by HTC's infringement of the '487 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against HTC:

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1   (A)   declaring that HTC has infringed the '487 Patent;

2   (B)   awarding Uniloc its damages suffered as a result of HTC's infringement of the

3   '487 Patent;

4   (C)   awarding Uniloc its costs, attorneys' fees, expenses, and interest, and

5   (D)   granting Uniloc such further relief as the Court finds appropriate.

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7   **DEMAND FOR JURY TRIAL**

8   Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

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10   Dated this 30th day of November, 2018.

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12   Respectfully submitted,

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                                      /s/ *Al Van Kampen*
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25   ATTORNEYS FOR THE PLAINTIFF

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