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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-01730

**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, 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 this judicial district.

1 **JURISDICTION**

2 4. Uniloc brings this action for patent infringement under the patent laws of the
3 United States, 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28
4 U.S.C. §§ 1331 and 1338(a).

5 **COUNT I**

6 (INFRINGEMENT OF U.S. PATENT NO. 7,020,106)

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

8 6. Uniloc holds all substantial rights, title and interest in U.S. Patent No. 7,020,106
9 entitled RADIO COMMUNICATION SYSTEM which issued on March 28, 2006 (“the ’106
10 Patent”). A copy of the ’106 Patent is attached as Exhibit A to this Complaint.

11 7. The ’106 Patent describes in detail and claims in various ways inventions in
12 systems and devices for improved communication of data therebetween using a plurality of
13 modes and channels.

14 8. The ’106 Patent describes problems and shortcomings in the then-existing field of
15 communications between portable devices and describes and claims novel and inventive
16 technological improvements and solutions to such problems and shortcomings.

17 9. The written description of the ’106 Patent describes in technical detail each of the
18 limitations of the claims, allowing a person of ordinary skill in the art to understand what the
19 limitations cover and how the non-conventional and non-generic combination of claim elements
20 differ markedly from and improved upon what may have been considered conventional or
21 generic.

22 10. HTC imports, uses, offers for sale and/or sells in the United States numerous
23 electronic devices implementing Bluetooth version 3.0 + HS and above, including those
24 identified in Exhibit B to this Complaint (collectively “Accused Infringing Devices”).

25 11. The Accused Infringing Devices include Bluetooth/WiFi modules compatible
26 with the Bluetooth Core Specification v. 3.0 + HS and above, which allows two or more devices
27 to establish communication channels between themselves.

1 12. The Bluetooth modules are capable of discovering whether the Master and Slave
2 devices include 802.11 WiFi compatibility, and if so, a third communication link can be
3 established, over which data can be transferred at a higher rate of speed.

4 13. After the Master and Slave devices have discovered each other and paired using
5 the BR/EDR Controller, and it is determined that an AMP Controller can be utilized for higher
6 speed data transmission, the alternate L2CAP channel is established/switched to, which
7 thereafter handles the transfer of information.

8 14. The Accused Infringing Devices use a first device as a transceiver to transmit
9 information to another Accused Infringing Device at a Basic Rate/Enhanced Data Rate
10 (BR/EDR) in accordance with the Bluetooth version 3.0 + HS or higher specification and the
11 receiving device then transmits information to the master device.

12 15. When an Accused Infringing Device determines that an AMP Controller can be
13 utilized to establish an alternate L2CAP channel, the AMP Controller information necessary to
14 form/switch to the alternate L2CAP channel supported by the AMP Controller is
15 transmitted/received.

16 16. The Bluetooth/WiFi modules are capable of operating in Basic Rate/Enhanced
17 Data Rate (BR/EDR) mode, where data is sent from the Master device to a Slave device (or vice
18 versa) using the Master's transceiver. The receiving Slave device, using Time-Division
19 Duplexing (TDD), is then able to send data back to its Master via a second communication link
20 clocked to be in sync with the Master.

21 17. In such communications, the BR/EDR radio is used to perform discovery,
22 association, connection establishment and connection maintenance.

23 18. Once a connection has been established between a pair of Accused Infringing
24 Devices using BR/EDR, the first device can discover whether the second device has a common
25 AMP and cause transmission of data traffic to be moved from BR/EDR to AMP controller(s).

26 19. The Accused Infringing Devices can also communicate wirelessly with each other
27 via an Alternate MAC/PHY (AMP) physical link and using WiFi (such as IEEE 802.11).

1 20. HTC has infringed, and continues to infringe, the '106 Patent in the United States,
2 including claims 15-17, by offering for sale, selling and/or importing the Accused Infringing
3 Devices.

4 21. HTC specifically, knowingly and intentionally incorporates into the Accused
5 Infringing Devices components and software that enable the devices to operate automatically as
6 described above to infringe the '106 Patent.

7 22. In its marketing, promotional and/or instructional materials, including those
8 identified below, HTC also specifically and intentionally instructs its customers to use the
9 Accused Infringing Devices in a manner that causes the devices to operate in accordance with
10 Bluetooth version 3.0 + HS and above functionality.

11 23. HTC has infringed, and continues to infringe, claims 15-17 of the '106 Patent by
12 actively inducing others to use, offer for sale and sell the Accused Infringing Devices. HTC's
13 customers who use those devices in accordance with HTC's design, intent and instructions
14 infringe claims 15-17 of the '106 Patent. HTC intentionally directly and/or indirectly instructs
15 its customers to infringe through training videos, demonstrations, brochures, installation and user
16 guides, and other instructional and marketing materials, such as those located at one or more of
17 the following:

- 18 • www.htc.com, including:
- 19 • www.htc.com/us/smartphones/
- 20 • www.htc.com/us/smartphones/htc-u11/buy/
- 21 • www.htc.com/us/support/
- 22 • www.htc.com/us/support/htc-12-plus/
- 23 • www.htc.com/us/support/htc-11/
- 24 • www.htc.com/us/support/htc-desire-530/
- 25 • www.htc.com/us/support/htc-11-sprint/howto/
26 making-a-call-with-smart-dial.html
- 27 • www.htc.com/us/support/usereguide/htc-one-m8/

- 1 • www.htc.com/us/support/htc-one-a9/howto/686506.html
- 2 • www.htc.com/mea-en/support/htc-one-m9/howto/601572.html
- 3 • www.htc.com/sea/support/htc-desire-626/howto/638319.html
- 4 • www.htc.com/sea/support/htc-desire-626/howto/638295.html
- 5 • dl4.htc.com/Web_materials/Manual/HTC_U11/US/HTC_U11_US_user_guide_O80.pdf
- 6
- 7 • dl4.htc.com/Web_materials/Manual/HTC_10/US/HTC_10_US_user_guide_O80.pdf

8 24. HTC has also infringed, and continues to infringe, claims 15-17 of the '106 patent
9 by offering to sell, selling and/or importing the Accused Infringing Devices knowing that the
10 devices are used in practicing the asserted claims of the '106 patent and constitute a material part
11 of the claimed stations. Upon receipt of this Complaint, HTC will know that portions of the
12 software that provide the Accused Infringing Devices with the above-described functionality
13 were especially designed and written solely to implement such infringing functionality as
14 described above.

15 25. HTC will have had notice of the '106 Patent since, at the latest, the service of this
16 complaint upon it. HTC will also have been on notice of Uniloc's infringement allegations and
17 theory of infringement since that date of service, and thus will have known that its continued
18 actions would infringe and cause infringement by others of at least claims 15-17 of the '106
19 Patent. If, despite such knowledge, HTC refuses to discontinue its infringing acts, and continues
20 to induce infringement by failing to remove or distinguish what it will know upon receipt of this
21 Complaint to be infringing features of the Accused Infringing Devices or otherwise place a non-
22 infringing limit on their use, such actions will be evidence of HTC's intent to cause infringement
23 of the '106 Patent.

24 26. By the time of trial, HTC will have known and intended (since receiving such
25 notice) that its continued actions would actively induce and contribute to the infringement of
26 claims 15-17 of the '106 Patent.

1 27. HTC may have infringed the '106 Patent through other software and devices
2 utilizing the same or reasonably similar functionality, including other versions of the Accused
3 Infringing Devices.

4 28. Uniloc has been damaged by HTC's infringement of the '106 Patent.

5 **PRAYER FOR RELIEF**

6 Uniloc requests that the Court enter judgment against HTC:

- 7 (A) declaring that HTC has infringed the '106 Patent;
- 8 (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the
9 '106 Patent;
- 10 (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- 11 (D) granting Uniloc such further relief as the Court finds appropriate.

12 **DEMAND FOR JURY TRIAL**

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

14 Dated this 30th day of November, 2018.

15 Respectfully submitted,

16 */s/ Al Van Kampen*

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