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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-01728**  
  
**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. 6,868,079)

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. 6,868,079  
9 RADIO COMMUNICATION SYSTEM WITH REQUEST RE-TRANSMISSION UNTIL  
10 ACKNOWLEDGED, which issued on March 15, 2005 (“the ’079 Patent”). A copy of the ’079  
11 Patent is attached as Exhibit A to this Complaint.

12 7. The ’079 Patent describes in detail and claims in various ways inventions in  
13 systems and devices for improved communication of data therebetween wherein one or more  
14 secondary stations is allocated time slots in which to request services from a primary station.

15 8. The ’079 Patent describes problems and shortcomings in the then-existing field of  
16 communications between portable devices and describes and claims novel and inventive  
17 technological improvements and solutions to such problems and shortcomings.

18 9. The written description of the ’079 Patent describes in technical detail each of the  
19 limitations of the claims, allowing a person of ordinary skill in the art to understand what the  
20 limitations cover and how the non-conventional and non-generic combination of claim elements  
21 differed markedly from and improved upon what may have been considered conventional or  
22 generic.

23 10. HTC imports, uses, offers for sale, and sells in the United States electronic  
24 devices that implement LTE mobile communications standards, including those identified in  
25 Exhibit B to this Complaint (collectively “Accused Infringing Devices”).  
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1 11. The Accused Infringing Devices are used in communications systems wherein  
2 respective time slots are allocated in an uplink channel to a plurality of respective Accused  
3 Infringing Devices acting as secondary stations.

4 12. In such communications systems, one device is a primary device that allocates  
5 time slots to one or more secondary devices in which the secondary device(s) may request  
6 services from the primary device.

7 13. At least one of the plurality of respective secondary stations re-transmits the same  
8 respective request in consecutive allocated time slots without waiting for an acknowledgement  
9 until said acknowledgement is received from the primary station.

10 14. Each scheduling request is sent twice, once in each of the two consecutive .5ms  
11 subframe timeslots, separated in the frequency domain, which is repeated until a resource  
12 allocation (acknowledgement) is received.

13 15. The active primary station determines whether a request for services has been  
14 transmitted by the at least one of the plurality of respective secondary stations by determining  
15 whether a signal strength of the respective transmitted request of the at least one of the plurality  
16 of respective secondary stations exceeds a threshold value.

17 16. The stations determine whether a scheduling request has been transmitted on the  
18 PUCCH by detecting the presence of energy on the channel. When sufficient energy is detected  
19 to indicate the presence of a scheduling request the base station treats the transmission as a  
20 scheduling request from the respective mobile terminal.

21 17. As set forth above, the Accused Infringing Devices support a number of LTE  
22 mobile communications standards for the major wireless network carriers in the United States.  
23 The LTE standard specifies a physical uplink control channel (PUCCH) used to transmit user  
24 signaling data from one or more terminals (secondary stations). The LTE standard also specifies  
25 two frame structure types for the PUCCH: frame structure Type 1 for FDD mode, and frame  
26 structure Type 2 for TDD mode. For the frame structure Type 1, a 10 ms radio frame is divided  
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1 into 20 equally sized slots of 0.5 ms. For a given LTE cell, respective time slots in the PUCCH  
2 are allocated to one or more terminals within that cell on a sub-frame basis.

3 18. The LTE standard specifies several formats for the PUCCH according to the  
4 different types of information that the PUCCH can carry. PUCCH format 1 is used to transmit  
5 information regarding scheduling requests in which one or more terminals may request uplink  
6 resources (services) from the eNodeB (primary station). Specifically, PUCCH format 1 is used  
7 to transmit, among other things, scheduling requests. These scheduling requests are transmitted  
8 by a terminal in respective allocated time slots at every nth sub-frame.

9 19. HTC has infringed, and continues to infringe, claims 17-18 of the '079 Patent in  
10 the United States by making, using, offering for sale, selling and/or importing the Accused  
11 Infringing Devices.

12 20. HTC specifically, knowingly and intentionally incorporates into the Accused  
13 Infringing Devices components and software that enable the devices to operate in accordance  
14 with the 3G and LTE standards as described above.

15 21. HTC has infringed, and continues to infringe, at least claims 17-18 of the '079  
16 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices.  
17 HTC's customers who use those devices in accordance with HTC's design, intent and  
18 instructions infringe claim 18 of the '079 Patent. HTC intentionally directly and/or indirectly  
19 instructs its customers to infringe through training videos, demonstrations, brochures, installation  
20 and user guides, such as those located at one or more of the following:

- 21 • [www.htc.com](http://www.htc.com), including:
- 22 • [www.htc.com/us/smartphones/](http://www.htc.com/us/smartphones/)
- 23 • [www.htc.com/us/smartphones/htc-u11/buy/](http://www.htc.com/us/smartphones/htc-u11/buy/)
- 24 • [www.htc.com/us/support/](http://www.htc.com/us/support/)
- 25 • [www.htc.com/us/support/htc-12-plus/](http://www.htc.com/us/support/htc-12-plus/)
- 26 • [www.htc.com/us/support/htc-11/](http://www.htc.com/us/support/htc-11/)
- 27 • [www.htc.com/us/support/htc-desire-530/](http://www.htc.com/us/support/htc-desire-530/)

- 1 • [www.htc.com/us/support/htc-11-sprint/howto/making-a-call-with-smart-dial.html](http://www.htc.com/us/support/htc-11-sprint/howto/making-a-call-with-smart-dial.html)
- 2 • [www.htc.com/us/support/usereguide/htc-one-m8/](http://www.htc.com/us/support/usereguide/htc-one-m8/)
- 3 • [www.htc.com/us/smartphones/htc-evo-4g-lte/](http://www.htc.com/us/smartphones/htc-evo-4g-lte/)
- 4 • [www.htc.com/us/smartphones/droid-incredible-4g-lte-by-htc/](http://www.htc.com/us/smartphones/droid-incredible-4g-lte-by-htc/)
- 5 • [www.htc.com/mea-en/support/htc-one-m9/howto/601572.html](http://www.htc.com/mea-en/support/htc-one-m9/howto/601572.html)
- 6 • [www.htc.com/sea/support/htc-desire-626/howto/638319.html](http://www.htc.com/sea/support/htc-desire-626/howto/638319.html)
- 7 • [dl4.htc.com/Web\\_materials/Manual/HTC\\_U11/US/HTC\\_U11\\_US\\_user\\_guide\\_O80.pdf](http://dl4.htc.com/Web_materials/Manual/HTC_U11/US/HTC_U11_US_user_guide_O80.pdf)
- 8 • [dl4.htc.com/Web\\_materials/Manual/HTC\\_10/US/HTC\\_10\\_US\\_user\\_guide\\_O80.pdf](http://dl4.htc.com/Web_materials/Manual/HTC_10/US/HTC_10_US_user_guide_O80.pdf)
- 9 • [www.youtube.com/watch?v=pNIGtUPuabs](http://www.youtube.com/watch?v=pNIGtUPuabs)

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11  
12 22. HTC has also infringed, and continues to infringe, at least claims 17-18 of the  
13 '079 patent by offering to sell, selling and/or importing the Accused Infringing Devices which  
14 devices are used in practicing the methods and/or using the systems of the '079 patent and  
15 constitute a material part of the claimed communication systems. Upon receipt of this  
16 Complaint, HTC will know that portions of the software that provide the Accused Infringing  
17 Devices with the above-described functionality were especially designed and written solely to  
18 implement such infringing functionality as described above.

19 23. HTC will have had notice of the '079 Patent since, at the latest, the service of this  
20 complaint upon it. HTC will also have been on notice of Uniloc's infringement allegations and  
21 theory of infringement since that date of service, and thus will have known that its continued  
22 actions would infringe and cause the infringement by others of at least claims 17-18 of the '079  
23 Patent. If, despite such knowledge, HTC refuses to discontinue its infringing acts, and continues  
24 to induce infringement by failing to remove or distinguish what it will know upon receipt of this  
25 Complaint to be infringing features of the Accused Infringing Devices or otherwise place a non-  
26 infringing limit on their use, such actions will be evidence of HTC's intent to cause infringement  
27 of the '079 Patent.

1 24. By the time of trial, HTC will have known and intended (since receiving such  
2 notice) that its continued actions would actively induce and contribute to the infringement of the  
3 '079 Patent.

4 25. HTC may have infringed the '079 Patent through other software and devices  
5 utilizing the same or reasonably similar functionality, including other versions of the Accused  
6 Infringing Devices.

7 26. Uniloc has been damaged by HTC's infringement of the '079 Patent.

8 **PRAYER FOR RELIEF**

9 Uniloc requests that the Court enter judgment against HTC:

- 10 (A) declaring that HTC has infringed the '079 Patent;
- 11 (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the  
12 '079 Patent;
- 13 (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- 14 (D) granting Uniloc such further relief as the Court finds appropriate.

15 **DEMAND FOR JURY TRIAL**

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

17 Dated this 30<sup>th</sup> day of November, 2018.

18 Respectfully submitted,

19 */s/ Al Van Kampen*

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