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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNILOC 2017 LLC,) Case No.: 5:18-cv-01304-LHK
13)
Plaintiff,)
14 v.) **SECOND AMENDED COMPLAINT**
LOGITECH INC.,) **FOR PATENT INFRINGEMENT**
15)
16 Defendant.)
17

18 Plaintiff, Uniloc 2017 LLC, (“Uniloc”), for its Second Amended Complaint against
19 defendant, Logitech Inc. (“Logitech”), alleges:

20 **THE PARTIES**

21 1. Uniloc is a Delaware limited liability company having addresses at 1209 Orange
22 Street, Wilmington, Delaware 19801; 620 Newport Center Drive, Newport Beach, California
23 92660; and 102 N. College Avenue, Suite 303, Tyler, Texas 75702.

24 2. Logitech is a California corporation, having a principal place of business at 770
25 Gateway Boulevard, Newark, California 94560.

26 3. Logitech makes, uses, offers for sale, sells, and imports products for sale to
27 customers, including those products accused of infringement.
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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).

PATENT INFRINGEMENT

5. As of the filing date of the Original Complaint, Uniloc Luxembourg, S.A. was the owner, by assignment, of U.S. Patent No. 6,993,049 (“the ’049 Patent”), entitled COMMUNICATION SYSTEM, which issued on January 31, 2006. A copy of the ’049 Patent was attached as Exhibit A to the Original Complaint.

6. On May 3, 2018, Uniloc Luxembourg, S.A. assigned all rights under the ’049 patent to Uniloc.

7. The ’049 Patent describes, and claims in various ways, inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data, using polling of secondary devices by a primary device.

8. The ’049 Patent describes problems and shortcomings in the then-existing field of communications between devices and describes and claims novel and inventive technological improvements and solutions to those problems and shortcomings.

9. The written description of the ’049 Patent describes in technical detail each limitation 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. Logitech imports, uses, offers for sale, and sells in the United States electronic devices that utilize Bluetooth Low Energy version 4.0 and above, including those designated: MX ERGO, MX Master 2S, M590 Multi-Device Silent, MX ANYWHERE 2S, M585 Multi-Device, M720 Triathlon, M535, M557, Craft, K375S Multi-Device, K780 Multi-Device, KEYS-TO-GO, K380 Multi-Device, Bluetooth Multi-Device Keyboard K480, Bluetooth Easy-Switch Keyboard K811, Bluetooth Illuminated Keyboard K810, MK850 Performance, Spotlight, C270, Z270, MX Sound, Z537 Speaker System with Subwoofer, Bluetooth Audio Receiver, Z337 Speaker System

1 with Bluetooth, Bluetooth Speakers 600, and X300 Mobile Wireless Stereo Speaker (collectively,
2 “Accused Infringing Devices”).

3 11. The Accused Infringing Devices are electronic devices that implement
4 communications systems where a device (a “primary station”) broadcasts messages to a second
5 device (a “secondary station”) to poll the second device, which responds when it has data to
6 transmit to the first device.

7 12. Logitech has infringed, and continues to infringe the ’049 Patent by making, using,
8 offering for sale, selling, and importing the Accused Infringing Devices. For example, as shown in
9 Exhibit 1 to the Amended Complaint, the Accused Infringing Devices implement a system that
10 includes every element of claim 1. Logitech installed the infringing functionality in its product
11 because it intended that its customers use that functionality.

12 13. Logitech has been on notice of the ’049 Patent since, at the latest, the service of the
13 Original Complaint. Logitech has also been on notice of Uniloc’s infringement allegations and
14 theory of infringement since that date of service, as well as the date of its receipt of Exhibit 1 to the
15 Amended Complaint.

16 14. Since receiving that notice, Logitech has known the Accused Infringing Devices,
17 which incorporate components and software that cause the devices to operate automatically as
18 described above, infringe the ’049 Patent.

19 15. Since receiving the notice of infringement in the Original Complaint and the
20 explanation of Uniloc’s theory of infringement in Exhibit 1 to the Amended Complaint, Logitech
21 has known its customers were, and are, infringing the ’049 patent.

22 16. In its marketing, promotional, and instructional materials, including those identified
23 below, Logitech intentionally instructs its customers to use the Accused Infringing Devices in a
24 manner that Logitech knows causes them to send and receive data packets in accordance with
25 Bluetooth Low Energy version 4.0 and above functionality, which Logitech knows infringes the
26 ’049 Patent.

27 17. Logitech intentionally instructs its customers to use the Accused Infringing
28 Products, in a manner that Logitech knows infringes the ’049 patent, through training videos,

1 demonstrations, brochures, installation and user guides, and other instructional and marketing
2 materials, such as those located at:

- 3 • www.logitech.com/en-us/product/mx-ergo-wireless-trackball-mouse/
- 4 • www.logitech.com/en-us/product/mx-master-2s-flow
- 5 • www.logitech.com/en-us/product/mx-anywhere-2s-flow
- 6 • www.logitech.com/en-us/product/m590-silent-wireless-mouse
- 7 • www.logitech.com/en-us/product/m585-silent-wireless-mouse
- 8 • www.logitech.com/en-us/product/m720-triathlon
- 9 • www.logitech.com/en-us/product/bluetooth-mouse-m535
- 10 • www.logitech.com/en-us/product/bluetooth-mouse-m557
- 11 • www.logitech.com/en-us/product/craft
- 12 • www.logitech.com/en-us/product/m375s-multidevice-keyboard
- 13 • www.logitech.com/en-us/product/k780-multi-device-wireless-keyboard
- 14 • www.logitech.com/en-us/product/keys-to-go
- 15 • www.logitech.com/en-us/product/multi-device-keyboard-k380
- 16 • www.logitech.com/en-us/product/multi-device-keyboard-k480
- 17 • www.logitech.com/en-us/product/illuminated-keyboard-for-mac-ipad-iphone
- 18 • www.logitech.com/en-us/product/bluetooth-illuminated-keyboard-k810
- 19 • www.logitech.com/en-us/product/mk850-wireless-keyboard-mouse-combo
- 20 • www.logitech.com/en-us/product/hd-webcam-c270
- 21 • www.logitech.com/en-us/product/mx-sound-computer-stereo-speakers
- 22 • www.logitech.com/en-us/product/z537-bluetooth-speaker-system
- 23 • www.logitech.com/en-us/product/bluetooth-audio-adapter
- 24 • www.logitech.com/en-us/product/bluetooth-speaker-system-z337
- 25 • www.logitech.com/en-us/product/x300-wireless-speaker
- 26 • www.logitech.com/en-us/product/bluetooth-speakers-z600
- 27 • www.logitech.com/en-us/product/mice
- 28 • http://support.logitech.com/en_us/article/Connect-your-Logitech-Bluetooth-device

- 1 • https://support.logitech.com/en_us/home?type=login#myaccount
- 2 • https://support.logitech.com/en_us/contact-support
- 3 • https://support.logitech.com/en_us/downloads
- 4 • <https://www.logitechg.com/en-us>
- 5 • https://logitech.com/en_us/speakers-audio/bluetooth-speakers
- 6 • www.youtube.com
- 7 • www.youtube.com/user/logitech
- 8 • www.youtube.com/watch?v=RAY8i5-G-ZQ
- 9 • www.youtube.com/watch?v=Ci8gMd6mYp4
- 10 • www.youtube.com/watch?v=XCtFJy84Hlc
- 11 • www.youtube.com/watch?v=XUz_WLm2UpU
- 12 • www.youtube.com/watch?v=19eJknr6ZH4
- 13 • www.youtube.com/watch?v=T15jYEc2QKg
- 14 • www.youtube.com/watch?v=okm5CyzSYNA
- 15 • www.youtube.com/watch?v=ZvErMzcYKvk
- 16 • www.youtube.com/watch?v=xLewi8-niKI
- 17 • www.youtube.com/watch?v=Db6ux01T83Q
- 18 • www.youtube.com/watch?v=hxZQZZ4mHTM
- 19 • www.youtube.com/watch?v=IRpHwtckYZw

20 18. Since receiving the notice of infringement described above, Logitech has known
 21 that the above instructions instruct its customers how to use the Accused Infringing Devices to
 22 infringe the '049 patent and encourage them to do so.

23 19. Logitech has also infringed, and continues to infringe, the '049 patent by offering to
 24 sell, selling, and importing the Accused Infringing Devices, which devices are used in the system
 25 of the '049 patent, and constitute a material part of the invention. Logitech knows portions of the
 26 software on the Accused Infringing Devices that provides the Bluetooth Low Energy version 4.0
 27 and above functionality were especially written solely for use to implement what it now knows is
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1 infringement of the '049 patent, as described above. Logitech also now knows those portions have
2 no use, other than for infringement.

3 20. Logitech now knows, and has known since receiving the notice of infringement
4 described above, its continued actions induce and contribute to infringement of the '049 Patent.
5 Despite that, and as further evidence of its intent that its customers infringe, Logitech has refused
6 to discontinue its infringing acts, and has induced infringement by failing, since learning of
7 Uniloc's infringement allegations, to remove or distinguish the infringing features of the Accused
8 Infringing Devices or otherwise place a non-infringing limit on their use.

9 21. Logitech may have infringed the '049 Patent through other software and devices
10 utilizing the same or reasonably similar functionality, including other versions of the Accused
11 Infringing Devices.

12 22. Uniloc has been damaged by Logitech's infringement of the '049 Patent.

13 **PRAYER FOR RELIEF**

14 Uniloc requests that the Court enter judgment against Logitech:

- 15 (A) declaring that Logitech has infringed the '049 Patent;
- 16 (B) awarding Uniloc its damages suffered as a result of Logitech's infringement of the
17 '049 Patent;
- 18 (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- 19 (D) granting Uniloc such further relief as the Court finds appropriate.

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1 Date: December 6, 2018

Respectfully submitted,

2 /s/ Aaron S. Jacobs

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