IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNILOC 2017 LLC,
 	
       Plaintiff,
 	
v.
 	
APPLE INC.,
 	
       Defendant.
	Case No. 1:18-cv-00989-LY

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Uniloc 2017 LLC ("Uniloc"), for its complaint against defendant, Apple Inc. ("Apple"), 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.   Apple is a California corporation, having a regular and established places of business at 12535 Riata Vista Circle and 5501 West Parmer Lane, Austin, Texas.

JURISDICTION

3.   Uniloc brought 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

4.   Uniloc is the owner, by assignment, of U.S. U.S. Patent No. 6,856,616 ("the '616 Patent"), entitled SYSTEM AND METHOD FOR PROVIDING SERVICE PROVIDER CONFIGURATIONS FOR TELEPHONES USING A CENTRAL SERVER IN A DATA NETWORK TELEPHONY SYSTEM, which issued February 15, 2005, claiming priority to an application filed February 29, 2000. A copy of the '616 Patent was attached to the original Complaint as Exhibit A.

5.   The '616 Patent describes in detail, and claims in various ways, inventions in providing telephone service provider access to users of electronic devices connected to a data network.

6.   The '616 Patent describes problems and shortcomings in the then-existing field of providing telephone service provider access to users of electronic devices connected to a data network. *See*, *e.g.*, Ex. A at 2:46-64.

7.   The written description of the '616 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.

8.   Apple imports, uses, offers for sale, and sells electronic devices that connect to data networks, such as the AT&T 4G LTE network, and provide telephone functionality over such networks, including: iPhone5, iPhone 5c, iPhone 5s, iPhone 6, iPhone 6 Plus, iPhone 6s, iPhone 6s Plus, iPhone SE, iPhone 7, iPhone 7 Plus, iPhone 8, iPhone 8 Plus, iPhone X, iPhone XR, iPhone XS, iPhone XS Max; iPad (4th, 5th gen.), iPad Mini cellular + WiFi, iPad Mini 2,

iPad Mini 3, iPad Mini 4, iPad Pro, iPad Air, iPad Air 2, Apple Watch Series 4, and Apple Watch Series 3 (together, "Accused Infringing Devices").

9. The Accused Infringing Devices include an interface for detecting the presence of a data network. For example, the iPhone 8 uses, *inter alia*, a Qualcomm MDM9655 Snapdragon X16 LTE processor, a Qualcomm WTR5975 LTE RF transceiver, and an Apple WiFi/Bluetooth module.

10. The Accused Infringing Products include telephone initiation capability and are capable of receiving and sending digitized voice signals in data packets over the AT&T 4G LTE network. For example, the iPhone 8 uses, *inter alia*, the Apple A11 Bionic processor, the Qualcomm LTE processor, and an Apple/Cirrus 338S00248 component.

11. The Accused Infringing Devices are able to identify within-range servers of a data network. For example, iPhones obtained from AT&T include an AT&T-specific SIM card that allows the devices, *inter alia*, to establish a connection with servers in the AT&T 4G LTE network.

12. The Accused Infringing Devices use a unique identifier, recognized by the data network operator's servers (such as AT&T's servers), that provide a proxy server address to the telephone through which the configuration of service may be established.

13. Apple has infringed, and continues to infringe, the '616 Patent by using, offering for sale, selling, and importing the Accused Infringing Devices, as further described in the attached Exhibit 1 to this Amended Complaint, which shows the Accused Infringing Devices include every limitation of claim 6. Apple installed the infringing functionality in its products because it intended that its customers use that functionality.

14.   Apple has been on notice of the '616 Patent since, at the latest, the service of the original Complaint. Apple has also been on notice of Uniloc's infringement allegations and theory of infringement since that date of service, as well as the date of its receipt of Exhibit 1 to this Amended Complaint.

15.   Since receiving that notice, Apple has known the Accused Infringing Devices, which incorporate components and software that cause the devices to operate automatically as described above, infringe the '616 Patent.

16.   Since receiving the notice of infringement in the original Complaint and the explanation of Uniloc's theory of infringement in Exhibit 1 to this Amended Complaint, Apple has known its customers were, and are, infringing the '616 Patent.

17.   Apple has also infringed, and continues to infringe, the '616 Patent by offering to sell, selling, and importing the Accused Infringing Devices, which devices are a component of the system and are used to practice the methods of the '616 Patent, and which constitute a material part of the invention. Apple knows portions of the software on the Accused Infringing Devices that provides the above functionality were especially written solely for use to implement what it now knows is infringement of the '616 Patent, as described above. Apple also now knows those portions have no use, other than for infringement.

18.   Apple now knows, and has known since receiving the notice of infringement described above, its continued actions contribute to infringement of the '616 Patent. Despite that, and as further evidence of its intent that its customers infringe, Apple has refused to discontinue its infringing acts, and has enabled infringement by failing, since learning of Uniloc's infringement allegations, to remove or distinguish the infringing features of the Accused Infringing Devices or otherwise place a non-infringing limit on their use.

19.   Apple may have infringed the '616 Patent through other software and devices

utilizing the same or reasonably similar functionality, including other versions of the Accused

Infringing Products.

20.   Uniloc has been damaged by Apple's infringement of the '616 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Apple:

(A)   declaring that Apple has infringed the '616 Patent;

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

'616 Patent;

(C)   awarding Uniloc its costs, attorney fees, expenses, and interest; and

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

Date: January 8, 2019   Respectfully submitted,

                                                  /s/ Kevin Gannon
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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on January 8, 2019.

/s/ Kevin Gannon
Kevin Gannon

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