

1 M. ELIZABETH DAY (SBN 177125)
2 eday@feinday.com
3 DAVID ALBERTI (SBN 220265)
4 dalberti@feinday.com
5 SAL LIM (SBN 211836)
6 slim@feinday.com
7 MARC BELLOLI (SBN 244290)
8 mbelloli@feinday.com
9 **FEINBERG DAY ALBERTI LIM**
10 **& BELLOLI LLP**
11 1600 El Camino Real, Suite 280
12 Menlo Park, CA 94025
13 Tel: 650.618.4360
14 Fax: 650.618.4368

15 Attorneys for Uniloc 2017 LLC

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 UNILOC 2017 LLC

19 Plaintiff,

20 v.

21 MICROSOFT CORPORATION,

22 Defendant.

CASE NO. 8:19-cv-00196

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Uniloc 2017 LLC (“Uniloc”), by and through the undersigned
2 counsel, hereby files this Complaint and makes the following allegations of patent
3 infringement relating to U.S. Patent No. 6,473,114 against Defendant Microsoft
4 Corporation (“Microsoft”), and alleges as follows upon actual knowledge with
5 respect to itself and its own acts and upon information and belief as to all other
6 matters:

7 **NATURE OF THE ACTION**

8 1. This is an action for patent infringement. Uniloc alleges that
9 Microsoft infringes U.S. Patent No. 6,473,114 (the “’114 patent”), a copy of which
10 is attached hereto as Exhibit A.

11 2. Uniloc alleges that Microsoft directly and indirectly infringes the ’114
12 patent by making, using, offering for sale and selling devices that practice a method
13 for indicating a change of speaker in a videoconferencing system, such as Microsoft
14 Teams. Uniloc alleges that Microsoft also induces and contributes to the
15 infringement of others. Uniloc seeks damages and other relief for Microsoft’s
16 infringement of the ’114 patent.

17 **THE PARTIES**

18 3. Uniloc 2017 LLC is a Delaware corporation having places of business
19 at 1209 Orange Street, Wilmington, Delaware 19801 and 620 Newport Center
20 Drive, Newport Beach, California 92660.

21 4. Uniloc holds all substantial rights, title and interest in and to the ’114
22 patent.

23 5. Upon information and belief, Defendant Microsoft is a corporation
24 organized and existing under the laws of the State of Washington, with the
25 following places of business in this District: 3 Park Plaza, Suite 1600, Irvine, CA
26 92614; 3333 Bristol Street, Suite 1249, Costa Mesa, CA 92626; 578 The Shops at
27 Mission Viejo, Mission Viejo, CA 92691; 331 Los Cerritos Center, Cerritos, CA
28 90703; 13031 West Jefferson Blvd., Suite 200, Los Angeles, CA 90094; 2140

1 Glendale Galleria, JCPenney Court, Glendale, CA 91210; 10250 Santa Monica
2 Blvd., Space #1045, Los Angeles, CA 90067; 6600 Topanga Canyon Blvd, Canoga
3 Park, CA 91303. Microsoft can be served with process by serving its registered
4 agent for service of process in California: Corporation Service Company which
5 Will Do Business in California as CSC - Lawyers Incorporating Service, 2710
6 Gateway Oaks Dr., Ste. 150, Sacramento, CA 95833.

7 **JURISDICTION AND VENUE**

8 6. This action for patent infringement arises under the Patent Laws of the
9 United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28
10 U.S.C. §§ 1331 and 1338.

11 7. This Court has both general and specific jurisdiction over Microsoft
12 because Microsoft has committed acts within the Central District of California
13 giving rise to this action and has established minimum contacts with this forum
14 such that the exercise of jurisdiction over Microsoft would not offend traditional
15 notions of fair play and substantial justice. Defendant Microsoft, directly and
16 through subsidiaries, intermediaries (including distributors, retailers, franchisees
17 and others), has committed and continues to commit acts of patent infringement in
18 this District, by, among other things, making, using, testing, selling, licensing,
19 importing and/or offering for sale/license products and services that infringe the
20 '114 patent.

21 8. Venue is proper in this district and division under 28 U.S.C. §§
22 1391(b)-(d) and 1400(b) because Microsoft has committed acts of infringement in
23 the Central District of California and has a regular and established place of business
24 in the Central District of California.

25 **COUNT I– INFRINGEMENT OF U.S. PATENT NO. 6,473,114**

26 9. The allegations of paragraphs 1-8 of this Complaint are incorporated
27 by reference as though fully set forth herein.

28 10. The '114 patent titled, "Method and System for Indicating Change of

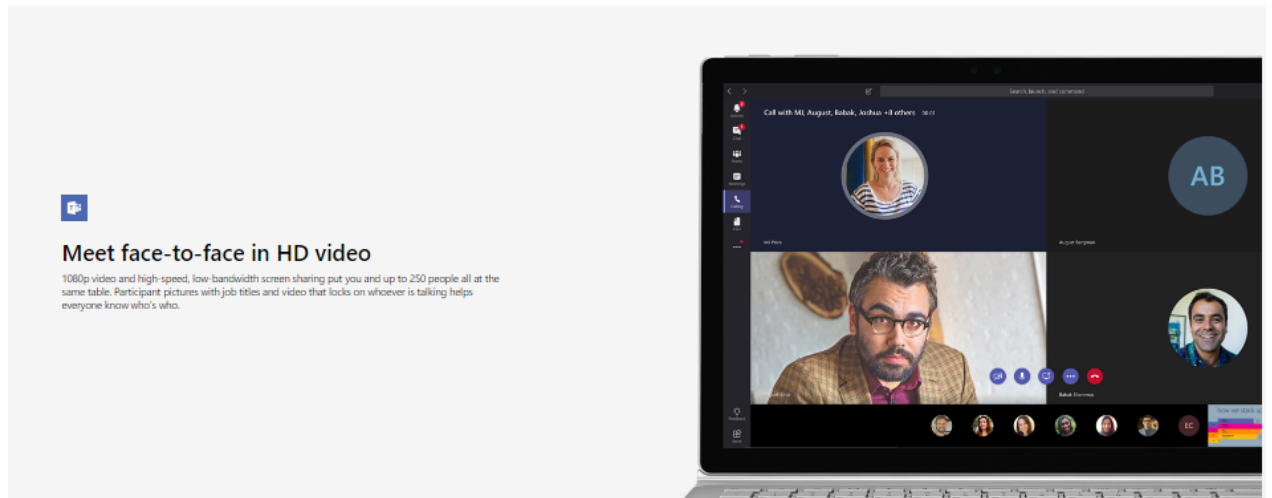
1 Speaker In A Videoconference Application,” issued on October 29, 2002. A copy
2 of the ’114 patent is attached as Exhibit A.

3 11. Pursuant to 35 U.S.C. § 282, the ’114 patent is presumed valid.

4 12. Microsoft makes, uses, offers for sale, and sells in the United States
5 and imports into the United States electronic devices that practice a method for
6 indicating a change of speaker in a videoconference system, including but not
7 limited to Microsoft Teams (collectively the “Accused Infringing Devices”).

8 13. Upon information and belief, the Accused Infringing Devices infringe
9 claim 1 of the ’114 patent by practicing a method in the exemplary manner
10 described below.

11 14. The Accused Infringing Devices provide a method for indicating a
12 change of speaker in a videoconferencing system. Microsoft Teams allows video
13 conference calls among multiple people. Although a maximum of 250 people can
14 join a Teams video call, only a few are visible on the call screen as videos/images.



24 **Source:** <https://products.office.com/en-us/business/teamwork/online-meetings>, Page 2, last
25 accessed Jan 18, 2019.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Meet face-to-face in HD video

1080p video and high-speed, low-bandwidth screen sharing put you and up to 250 people all at the same table. Participant pictures with job titles and video that locks on whoever is talking helps everyone know who's who.

Source: <https://products.office.com/en-us/business/teamwork/online-meetings>, Page 2, last accessed Jan 18, 2019.



Online meetings

Host audio, video, and [web conferences](#) with anyone inside or outside your organization. Get features like scheduling assistance, note taking, desktop sharing, uploading files, and chat messaging.


Source: <https://products.office.com/en-in/microsoft-teams/online-meeting-solutions>, Page 4, last accessed Jan 18, 2019.

15. The Accused Infringing Devices allow a user to share his or her screen by clicking “Share” in the meeting controls.

Share your desktop in a meeting in Teams

Microsoft Teams


Desktop **Mobile**

Desktop sharing lets you present your screen or the app you're using during a meeting. To share your screen in a meeting, click **Share**  Share screen button in your meeting controls. You can choose to present your entire desktop, a specific app, or a file.

Share PowerPoint slides in a meeting

If you choose to share a PowerPoint file in a meeting, rather than your desktop, meeting participants will get some special capabilities:

- They'll be able to move around to different slides without interrupting the main presentation.
- They can sync their view back to the presenter's view with one click.

1. Click **Share**  in your meeting controls.

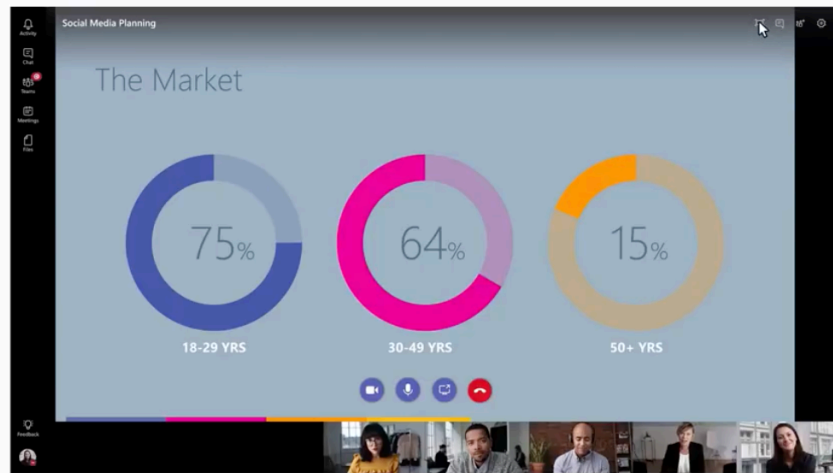
2. In the **PowerPoint** section, click the file you want. Click **Browse** to look for a different file.

Source: <https://support.office.com/en-us/article/share-your-desktop-in-a-meeting-in-teams-fcc2bf59-aecd-4481-8f99-ce55dd836ce8>, Page 1, last accessed Jan 11, 2019.

16. While sharing a screen, the content item is displayed in the primary view of the Accused Infringing Devices' video meeting. A user can see his or her own video/image on the bottom right corner in the panel (below the primary view) followed by the video/image of the four most active participants in the video conference call. The inactive participants are represented as thumbnails on the left side.

Share your screen

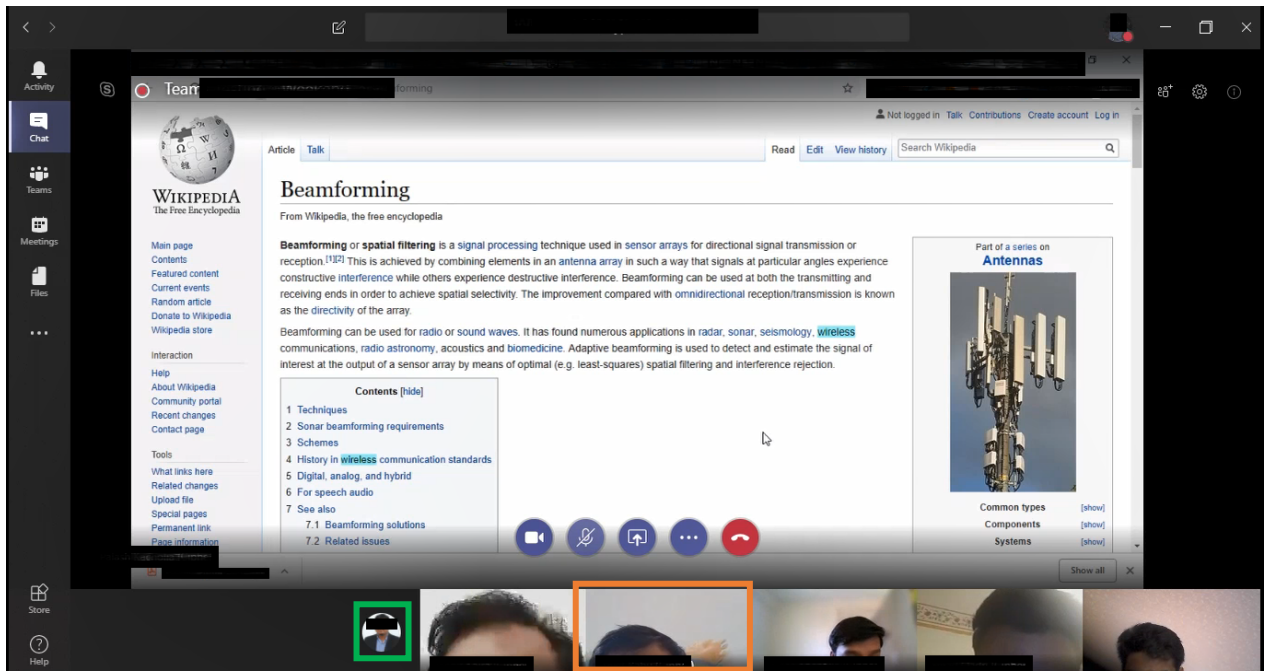
Once you are in the meeting, you can share your desktop. The content layout lets everyone see what's being shared. Along with people's facial expressions.



Microsoft Teams

Source: <https://www.youtube.com/watch?v=7oej3xIQy-Y>, Page 1, last accessed Jan 18, 2019.

17. The Accused Infringing Devices track the speaking activity of the participants in a video conference call. For example, in the image below, User A, highlighted in the green box, is an inactive participant in a video conference call represented by a thumbnail. User B, highlighted in the orange box, is the video image of one of the currently active participants in the call.

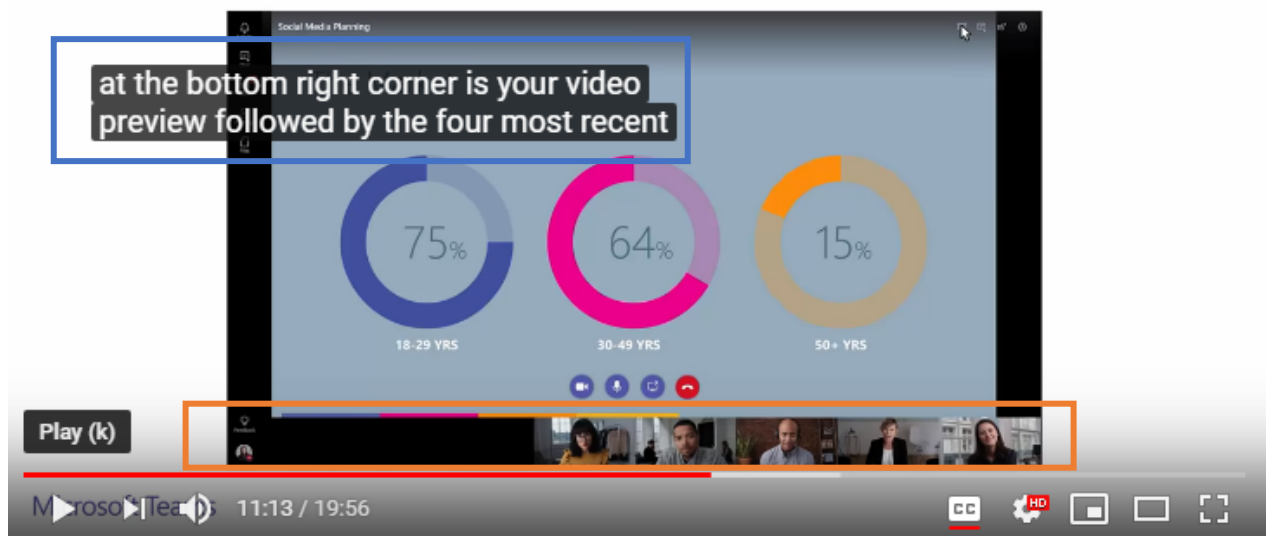


Source: Snapshot from live testing, captured Jan 12, 2019.

18. The Accused Infringing Devices display images of current video conference call participants. For example, the Accused Infringing Devices show the list of call participants in a panel below the primary view. The video/image of the most recent active participants and the thumbnails of the other participants are displayed in the panel.

Share your screen

Once you are in the meeting, you can share your desktop. The content layout lets everyone see what's being shared. Along with people's facial expressions.

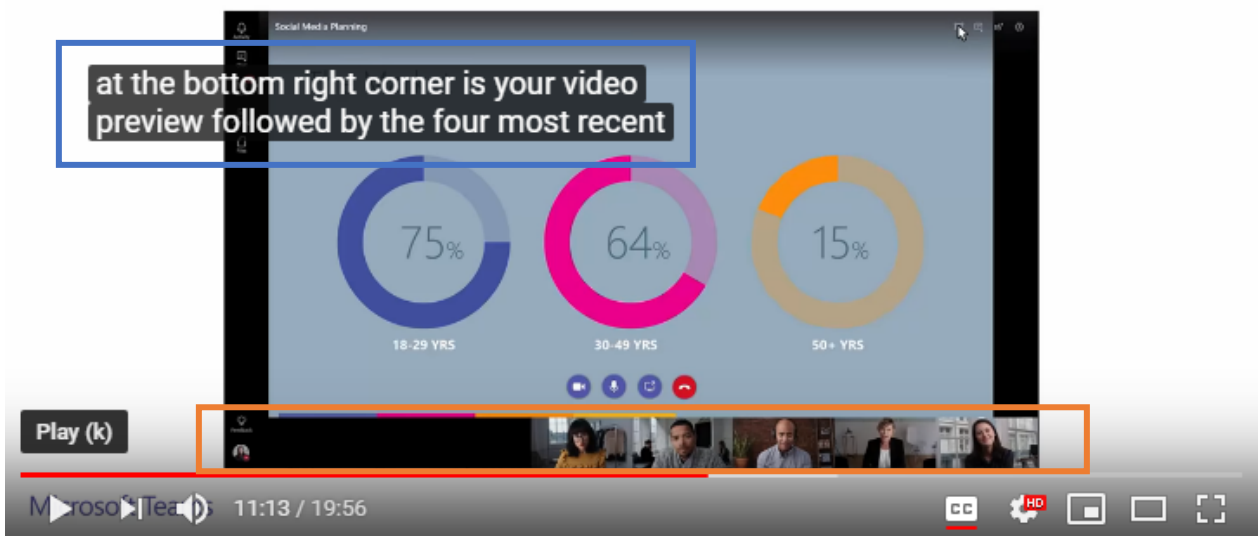


Source: <https://www.youtube.com/watch?v=7oej3xIQy-Y>, Page 1, last accessed Jan 18, 2019.

19. The Accused Infringing Devices display an image of a new conference participant responsively to an indication of speech uttered by the new conference participant. For example, the Accused Infringing Devices display the video/image of a limited number of active participants below the primary view. Other inactive participants are displayed just as the thumbnails, as shown below.

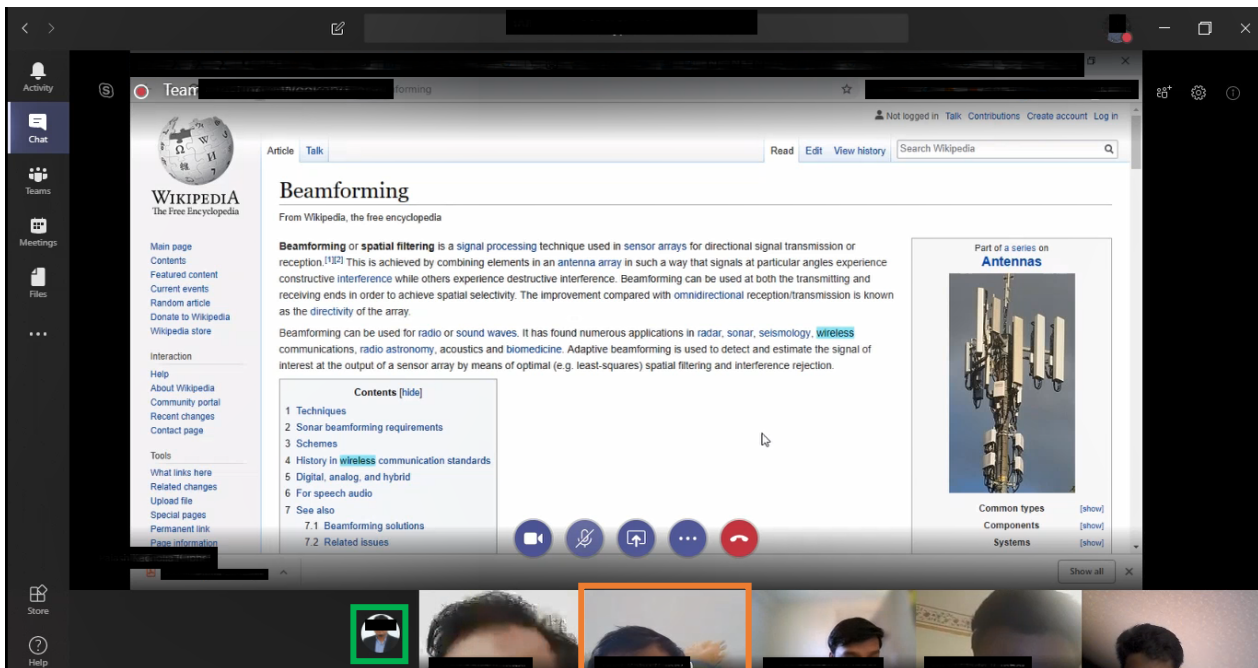
Share your screen

Once you are in the meeting, you can share your desktop. The content layout lets everyone see what's being shared. Along with people's facial expressions.



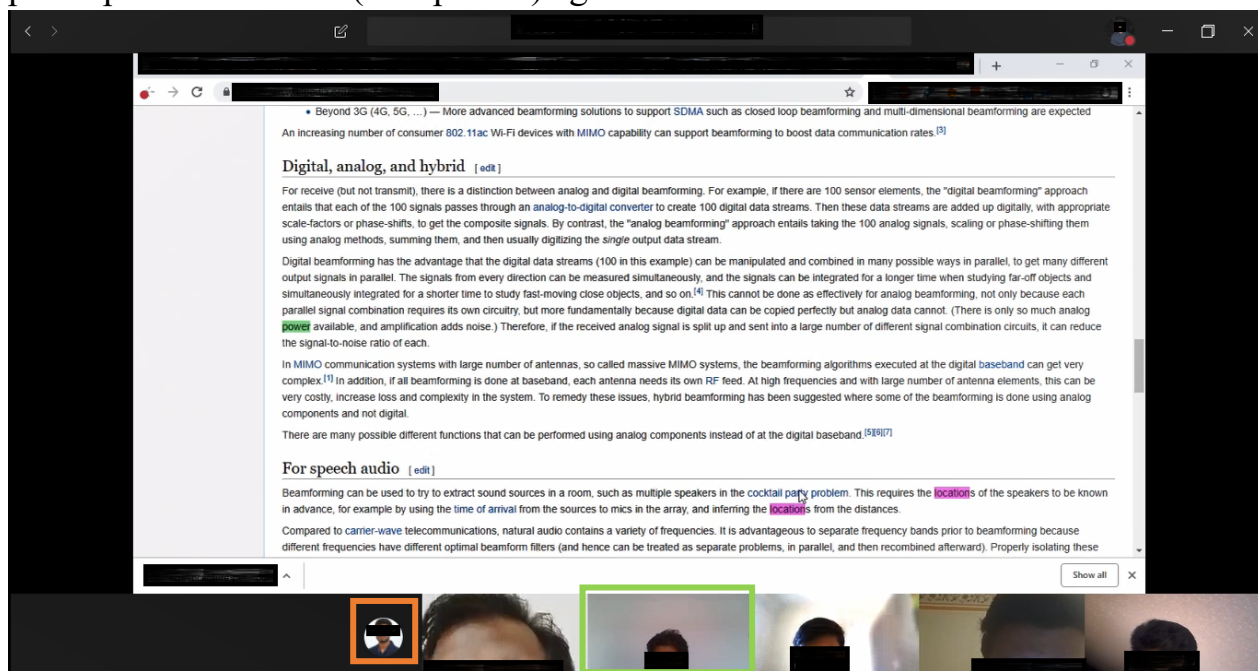
Source: <https://www.youtube.com/watch?v=7oej3xIQy-Y>, Page 1, last accessed Jan 18, 2019.

20. The Accused Infringing Devices automatically switch the video/image of one of the users that starts speaking.

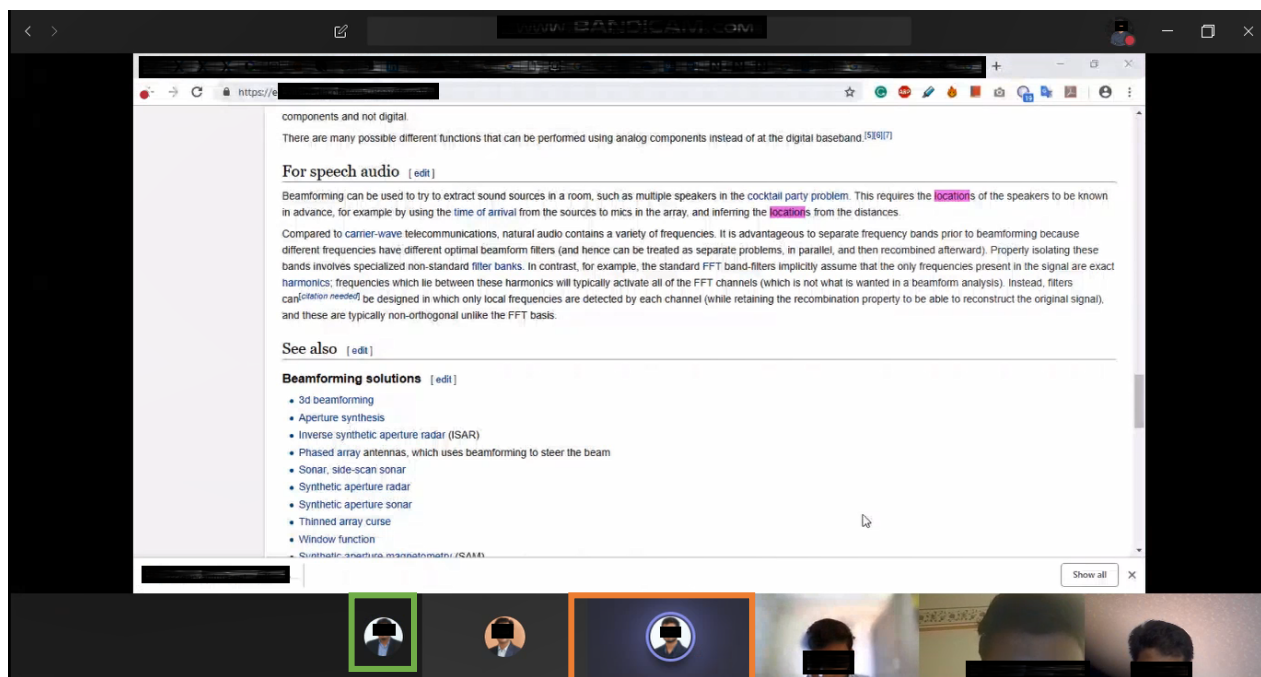


Source: Snapshot from live testing, captured Jan 12, 2019.

1
2 21. The Accused Infringing Devices remove the image of the new
3 conference participant when the speech is of a first duration. For example, the
4 Accused Infringing Devices keep track of the activity of all of the participants in a
5 video conference call. The Accused Infringing Devices allow the video/image of
6 the active participants and the thumbnails of the inactive participants/lesser active
7 participants to be visible on the panel below the shared content during a video
8 conference call. When the activity of a new conference member surpasses that of
9 an active participant, the new participant replaces the video/image of the earlier
10 active participant. As soon as the activity of the newly replaced participant becomes
11 lesser than the initially active participant, the video/image of the newly replaced
12 participant is removed (or replaced) again.

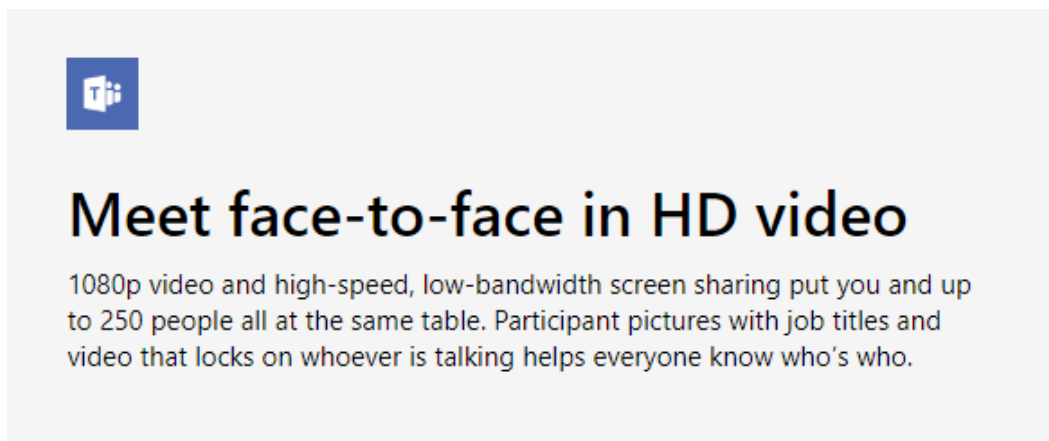


24 **Source:** Snapshot from live testing, captured Jan 12, 2019.

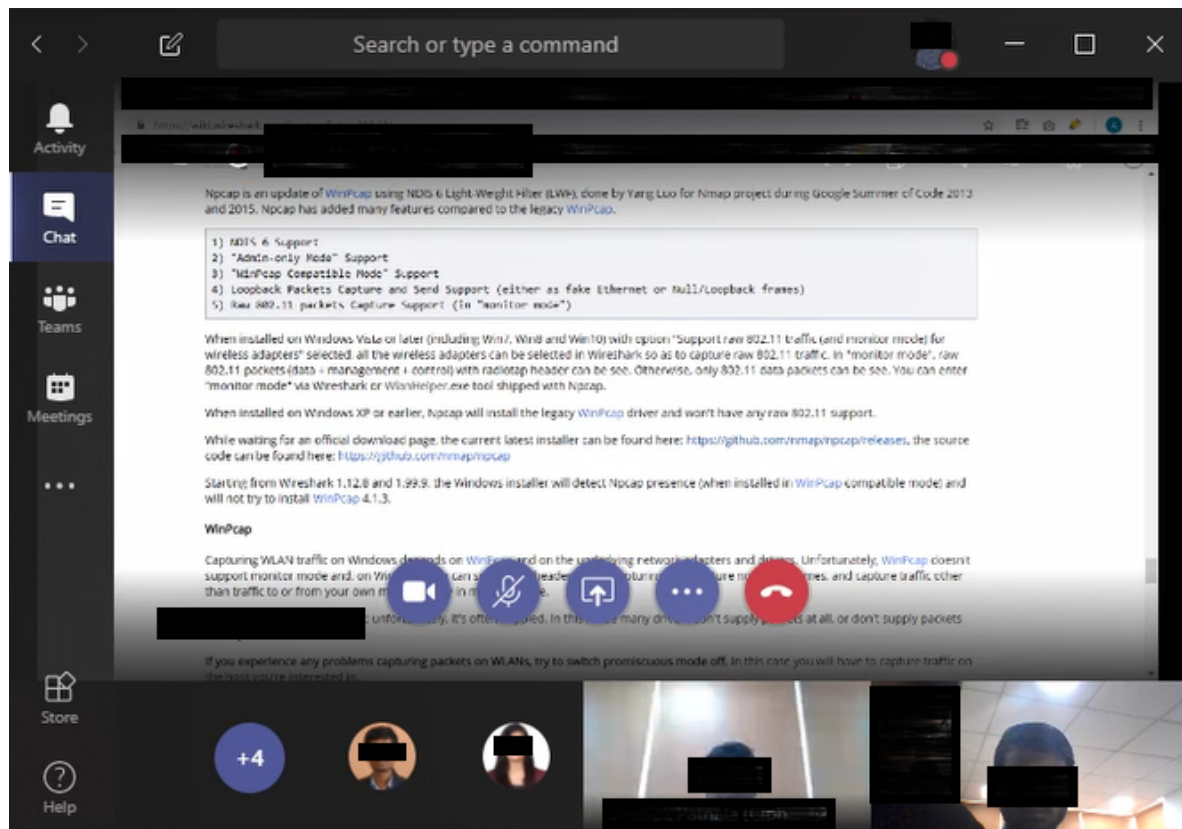


Source: Snapshot from live testing, captured Jan 12, 2019.

22. The Accused Infringing Devices replace one of the images of the current conference participants with the image of the new conference participant when the speech is of a duration longer than the first duration. For example, the Accused Infringing Devices allow video conference calling among multiple people. Although a maximum of 250 people can join a video conference call using the Accused Infringing Devices, only several participants are visible on the call screen as video/images. The rest of the participants are represented by a thumbnail or can be viewed by toggling the “+” icon in the lower panel.



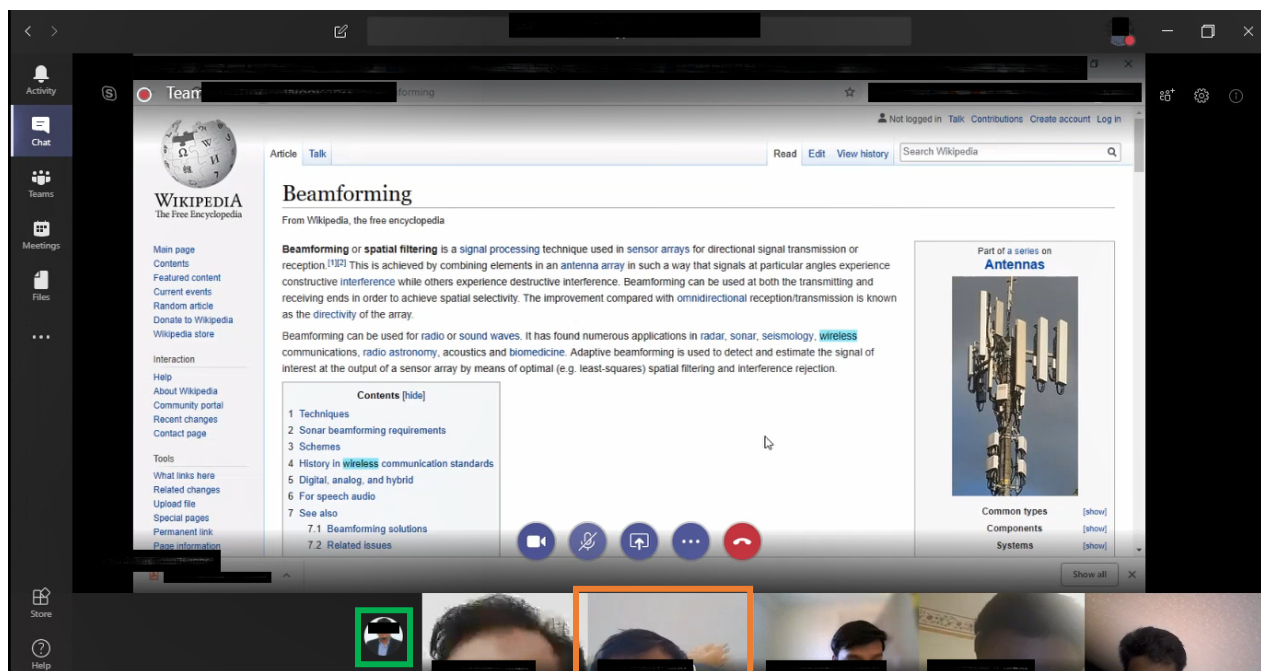
1 **Source:** <https://products.office.com/en-us/business/teamwork/online-meetings>, Page 2, last
2 accessed Jan 11, 2019.



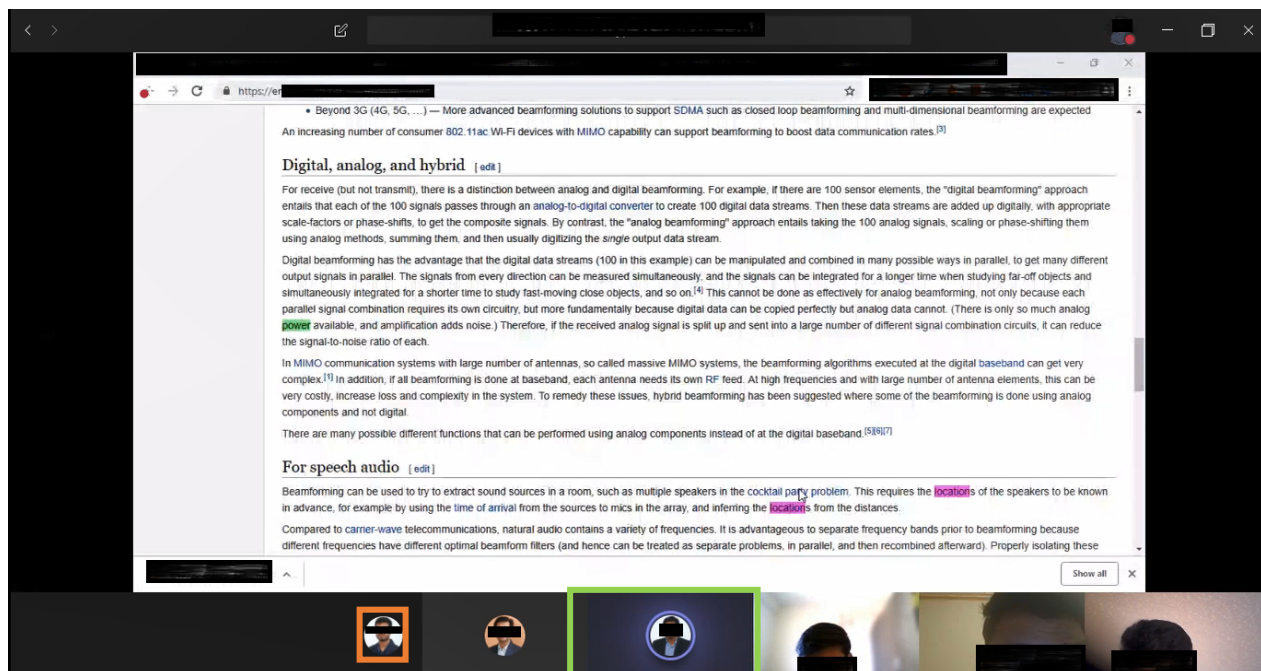
16 **Source:** Snapshot from live testing, captured Jan 18, 2019.

17
18 23. The Accused Infringing Devices track the activity of all of the
19 participants in a video call to keep updating the list of active and inactive
20 participants in the below panel, for displaying the video/image of the active
21 participants and thumbnails of the inactive participants. The number of the active
22 participants visible on the screen is limited. If a new speaker (presently, not on
23 active participants' list) fulfills the criteria of being an active participant and
24 surpasses the activity of a current active participant, the video/image of the current
25 active participant will get replaced by the new participant in the lower panel.

26
27
28



Source: Snapshot from live testing, captured Jan 12, 2019.



Source: Snapshot from live testing, captured Jan 12, 2019.

24. Microsoft has infringed, and continues to infringe, at least claim 1 of the '114 patent in the United States, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. § 271(a).

1 25. Microsoft has also infringed, and continues to infringe, at least claim 1
2 of the '114 patent by actively inducing others to use, offer for sale, and sell the
3 Accused Infringing Devices. Microsoft's users, customers, agents or other third
4 parties who use those devices in accordance with Microsoft's instructions infringe
5 claim 1 of the '114 patent, in violation of 35 U.S.C. § 271(a). Microsoft
6 intentionally instructs its customers to infringe through training videos,
7 demonstrations, brochures, installation and user guides, such as those located at:
8 www.microsoft.com, support.microsoft.com, [https://products.office.com/en-](https://products.office.com/en-us/business/teamwork/online-meetings)
9 [us/business/teamwork/online-meetings](https://products.office.com/en-us/business/teamwork/online-meetings),
10 <https://www.youtube.com/watch?v=7oej3xIQy-Y>, and related domains and
11 subdomains. Microsoft is thereby liable for infringement of the '114 patent under
12 35 U.S.C. § 271(b).

13 26. Microsoft has also infringed, and continues to infringe, at least claim 1
14 of the '114 patent by offering to commercially distribute, commercially
15 distributing, or importing the Accused Infringing Devices which devices are used in
16 practicing the processes, or using the systems, of the '114 patent, and constitute a
17 material part of the invention. Microsoft knows portions of the Accused Infringing
18 Devices to be especially made or especially adapted for use in infringement of the
19 '114 patent, not a staple article, and not a commodity of commerce suitable for
20 substantial noninfringing use. Microsoft is thereby liable for infringement of the
21 '114 patent under 35 U.S.C. § 271(c).

22 27. Microsoft is on notice of its infringement of the '114 patent by virtue
23 of a letter from Uniloc to Microsoft dated January 31, 2019. By the time of trial,
24 Microsoft will have known and intended (since receiving such notice) that its
25 continued actions would actively induce and contribute to the infringement of at
26 least claim 1 of the '114 patent.

27 28. Upon information and belief, Microsoft may have infringed and
28 continues to infringe the '114 patent through other software and devices utilizing

1 the same or reasonably similar functionality, including other versions of the
2 Accused Infringing Devices.

3 29. Microsoft's acts of direct and indirect infringement have caused and
4 continue to cause damage to Uniloc and Uniloc is entitled to recover damages
5 sustained as a result of Microsoft's wrongful acts in an amount subject to proof at
6 trial.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER FOR RELIEF

1
2 WHEREFORE, plaintiff Uniloc 2017 LLC respectfully prays that the Court
3 enter judgment in its favor and against Microsoft as follows:

4 a. A judgment that Microsoft has infringed one or more claims of
5 the '114 patent literally and/or under the doctrine of equivalents directly and/or
6 indirectly by inducing infringement and/or by contributory infringement;

7 b. That for each Asserted Patent this Court judges infringed by
8 Microsoft this Court award Uniloc its damages pursuant to 35 U.S.C. § 284 and
9 any royalties determined to be appropriate;

10 c. That this be determined to be an exceptional case under 35
11 U.S.C. § 285;

12 d. That this Court award Uniloc prejudgment and post-judgment
13 interest on its damages;

14 e. That Uniloc be granted its reasonable attorneys' fees in this
15 action;

16 f. That this Court award Uniloc its costs; and

17 g. That this Court award Uniloc such other and further relief as the
18 Court deems proper.

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed.
R. Civ. P. 38.

Dated: January 31, 2019

FEINBERG DAY ALBERTI LIM &
BELLOLI LLP

By: */s/ M. Elizabeth Day*
M. Elizabeth Day

Attorneys for Plaintiff
Uniloc 2017 LLC