

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNILOC 2017 LLC,

Plaintiff,

v.

MOTOROLA MOBILITY, LLC,

Defendant.

Civil Action No. 1:18-cv-01842-RGA

AMENDED COMPLAINT

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its Amended Complaint against defendant, Motorola Mobility, LLC (“Motorola”), alleges:

THE PARTIES

1. Uniloc 2017 LLC is a Delaware limited liability company.
2. Motorola is a Delaware corporation.

JURISDICTION

3. 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).

CLAIM FOR PATENT INFRINGEMENT

4. Uniloc is the owner, by assignment, of U.S. Patent No. 7,020,106 (“the ’106 Patent”), entitled RADIO COMMUNICATION SYSTEM, which issued March 28, 2006, claiming priority to an application filed August 10, 2000. A copy of the ’106 Patent was attached as Exhibit A to the original Complaint.

5. The '106 Patent describes in detail, and claims in various ways, inventions in systems, methods, and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data using modes and channels.

6. The '106 Patent describes problems and shortcomings in the then-existing field of communications between portable devices and describes and claims novel and inventive technological improvements and solutions to those problems and shortcomings.

7. The written description of the '106 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. Motorola imports, uses, offers for sale, and sells numerous electronic devices implementing Bluetooth version 3.0 + HS and above, including those identified in Exhibit B to this Amended Complaint (collectively "Accused Infringing Devices").

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

10. In those communications, the BR/EDR radio is used to perform discovery, association, connection establishment, and connection maintenance.

11. Once a connection has been established between a pair of Accused Infringing Devices using BR/EDR, the first device can discover whether the second device has a common AMP and cause transmission of data traffic to be moved from BR/EDR to AMP controllers.

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

13. Motorola has infringed, and continues to infringe, the '106 Patent by using, offering for sale, selling, and importing the Accused Infringing Devices. As exemplified in Exhibit C to this Amended Complaint, the Accused Infringing Devices incorporate each limitation of claim 15.

14. Motorola knowingly incorporates into the Accused Infringing Devices components and software that enable the devices to operate automatically as described above to infringe the '106 Patent and knows and intends that its customers use the Accused Infringing Devices in a manner that infringes.

15. In its marketing, promotional, and instructional materials, such as in the attached Exhibit D, Motorola intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to operate in accordance with Bluetooth version 3.0 + HS and above functionality.

16. Motorola has also infringed, and continues to infringe, the '106 patent by offering to sell, selling, and importing the Accused Infringing Devices, which devices are components of the systems claimed in the '106 patent and are used in the claimed methods and constitute a material part of the inventions. Motorola knows portions of the software used in the Accused Infringing Devices are especially written or especially adapted for use as described above in what Motorola now knows to be infringement of the '106 patent; are not staple articles or commodities of commerce; and are not suitable for substantial non-infringing use.

17. Motorola has had knowledge of the '106 Patent since, at the latest, the service of the original complaint upon it. By the time of trial, Motorola will have been on notice of

Uniloc's infringement allegations and theory of infringement since that date of service, and thus will have known that its continued actions would induce and contribute to the infringement of the '106 Patent. Despite that, and as further evidence of its intent, Motorola has refused to discontinue its infringing acts and has also induced infringement by failing to remove or distinguish infringing features of the Accused Infringing Devices or otherwise place a non-infringing limit on its use.

18. Motorola may have infringed the '106 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Products.

19. Uniloc has been damaged by Motorola's infringement of the '106 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Motorola:

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

Date: March 12, 2019

Respectfully submitted,

/s/ Sean T. O'Kelly

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