

**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-01841-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. 6,868,079 (“the ’079 Patent”), entitled RADIO COMMUNICATION SYSTEM WITH REQUEST RE-TRANSMISSION UNTIL ACKNOWLEDGED, which issued March 15, 2005, on an application claiming priority to December 10, 1998. A copy of the ’079 Patent was attached as Exhibit A to the original Complaint in this case.

5. The '079 Patent describes in detail, and claims in various ways, inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data by a primary device allocating time slots to secondary devices and the secondary devices using their respective allocated time slots to respond to the primary device until the primary device sends an acknowledgement to the secondary device.

6. The '079 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 '079 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 electronic devices that operate in accordance with the LTE standards, including those identified in Exhibit B to this Amended Complaint (collectively "Accused Infringing Devices").

9. The Accused Infringing Devices are electronic devices that operate in compliance with the LTE Standards where one device is a primary device that allocates time slots to one or more secondary devices and where the secondary devices may respond with a request for services.

10. The Accused Infringing Devices include LTE capability and use a physical uplink control channel (PUCCH) to transmit between base stations and devices in FDD or TDD mode, both of which modes organize transmissions into radio frames of 10 ms duration.

11. Using PUCCH format 1, for example, a secondary device transmits scheduling request (SR) information to the primary device in respective time slots every *n*th sub-frame. For example, the SR may be sent twice in consecutive .5ms subframe time slots. This is repeated until the primary device transmits a resource allocation acknowledgement. The primary device detects the incoming SR by the presence of a certain energy level on the PUCCH.

12. The Accused Infringing Devices are used in communications systems wherein one device is a primary device that allocates time slots to one or more secondary devices in which the secondary devices may request services from the primary device.

13. Motorola has infringed, and continues to infringe, claims of the '079 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 17.

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 '079 Patent.

15. Motorola has also infringed, and continues to infringe, the '079 patent by offering to sell, selling, and importing the Accused Infringing Devices knowing that the devices are used in practicing the processes, or as a component of the systems, of the '079 patent, and constitute a material part of the invention. Motorola knows portions of the Accused Infringing Devices are especially made or especially adapted for use as described above to infringe the '079 patent, and not a staple article, or a commodity of commerce suitable for substantial noninfringing use.

16. Motorola will have been on notice of the '079 Patent since, at the latest, the service of the original complaint upon it. Motorola will also 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 contribute to the infringement of the '079 Patent.

Despite that knowledge, Motorola has refused to discontinue its infringing acts and has also enabled infringement by failing to remove the infringing functionality from the Accused Infringing Devices or otherwise place a non-infringing limit on its use.

17. By the time of trial, Motorola will have known (since receiving such notice) that its continued actions would contribute to the infringement of the '079 Patent by others.

18. Motorola may have infringed the '079 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

19. Uniloc has been damaged by Motorola's infringement of the '079 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Motorola:

- (A) declaring that Motorola has infringed the '079 Patent;
- (B) awarding Uniloc its damages suffered as a result of Motorola's infringement of the '079 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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