

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

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 1:18-cv-00164-LY
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
APPLE INC.,	§	
	§	
Defendant.	§	
	§	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg, S.A. (“Uniloc Luxembourg”) (together, “Uniloc”), for their first amended complaint against defendant, Apple Inc. (“Apple”), allege as follows:

**THE PARTIES**

1. Uniloc USA is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024.

2. Uniloc Luxembourg is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Apple is a California corporation, having a principal place of business in Cupertino, California and regular and established places of business at 12535 Riata Vista Circle and 5501 West Parmer Lane, Austin, Texas. Apple offers its products and/or services, including

those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Western District of Texas.

**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, 1332(a), and 1338(a).

**COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,993,049)

5. Uniloc incorporates paragraphs 1-4 above by reference.

6. Uniloc Luxembourg is 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 is attached as Exhibit A.

7. Uniloc USA is the exclusive licensee of the ’049 Patent, with ownership of all substantial rights, including the right to grant sublicenses, to exclude others, and to enforce and recover past damages for infringement.

8. The ’049 Patent describes in detail and claims in various ways inventions in systems and devices developed by Koninklijke Philips Electronics N.V. around 2000 for improved communication of data therebetween using polling of secondary devices by a primary device.

9. 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 such problems and shortcomings. The technological improvements and solutions described and claimed in the ’049 Patent were not conventional or

generic at the time of their respective inventions but involved novel and non-obvious approaches to the problems and shortcomings prevalent in the art at the time.

10. The inventions claimed in the '049 Patent involve and cover more than just the performance of well-understood, routine and/or conventional activities known to the industry prior to the invention of such novel and non-obvious systems and devices by the '049 Patent inventor.

11. The inventions claimed in the '049 Patent represent technological solutions to technological problems. The written description of the '049 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 non-conventional and non-generic combination of claim elements differed markedly from and improved upon what may have been considered conventional or generic.

12. Apple imports, uses, offers for sale, and sells in the United States electronic devices that utilize Bluetooth Low Energy version 4.0 and above. Such devices include: (1) iPhone 4s, 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 smartphones; (2) iPad (3rd, 4th and 5th generation), iPad Mini, iPad Mini 2, iPad Mini 3, iPad Mini 4, iPad Pro, iPad Air, iPad Air 2 tablets; (3) MacBook, MacBook Air (13 inches), MacBook Pro (13 and 15 inches), iMac (21.5 and 27 inches), Mac Mini, Mac Pro laptops; (4) Apple watch Series 1, Apple watch series 2, Apple watch series 3, Apple watch Hermes (series 1, 2, 3), Apple watch Edition (series 2 and 3) watches; (5) iPod (generation 5), iPod touch, iPod Nano; (6) Magic Keyboard, Magic Mouse, Magic Mouse 2, Magic Trackpad, Magic Trackpad 2; (7) Apple TV and Apple TV 4K, and (8) AirPods (collectively, "Accused Infringing Devices").

13. The Accused Infringing Devices are electronic devices that implement communications systems wherein a first or primary device broadcasts messages including data to a second or secondary device to poll the second or secondary device that may respond to the first or primary device when the second or secondary device has data to transmit to the first or primary device.

14. Apple has infringed, and continues to infringe, claims of the '049 Patent in the United States, including claims 1-2, 4, 8-9, and 11, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. §271(a).

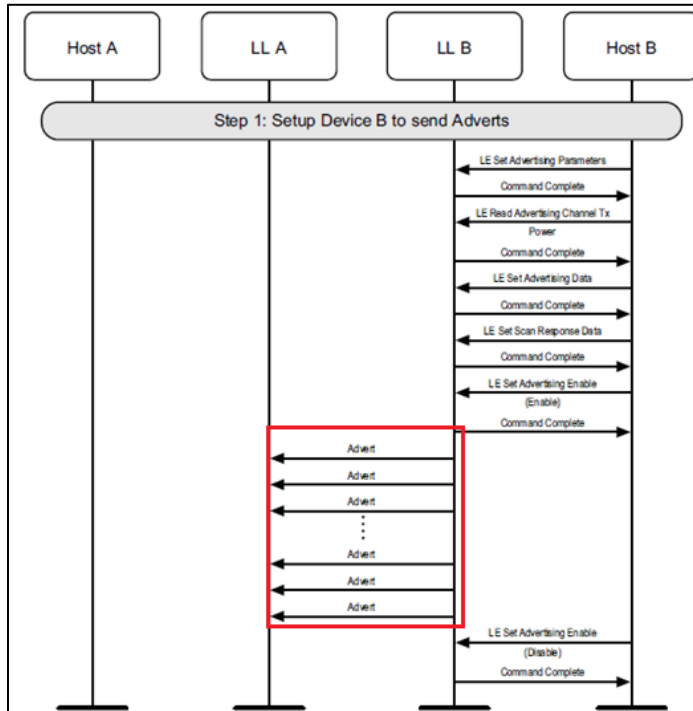
15. Using claim 1 merely as an illustrative example of Apple's infringement, the Accused Infringing Devices include each and every element of claim 1. The Accused Infringing Devices include implement a communications system comprising a primary station and at least one secondary station. For example, the Accused Infringing Devices implementing the Bluetooth Low Energy communications protocol can broadcast advertising message packets to other Bluetooth LE-capable devices such as, for example, smartphones, tablets, etc., over pre-defined advertising channels. A Bluetooth LE-capable device may broadcast advertising packets on advertising channels during advertising events. These messages are received by other Bluetooth LE-capable devices. *See, e.g.,* Bluetooth Core Specification 5.0<sup>1</sup> (Page 169-170, Volume 1).

16. The Accused Infringing Devices implement a communications system wherein the primary station has means for broadcasting a series of inquiry messages, each in the form of a plurality of predetermined data fields arranged according to a first communications protocol. For example, the Accused Infringing Devices broadcast a series of Bluetooth low energy advertising

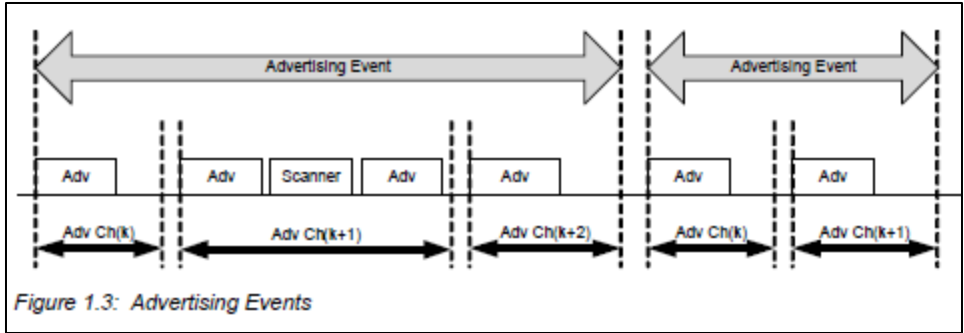
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<sup>1</sup> Bluetooth Version 5.0 is used merely as example to illustrate infringement. Low Energy functionality was first implementing in Bluetooth Version 4.0.

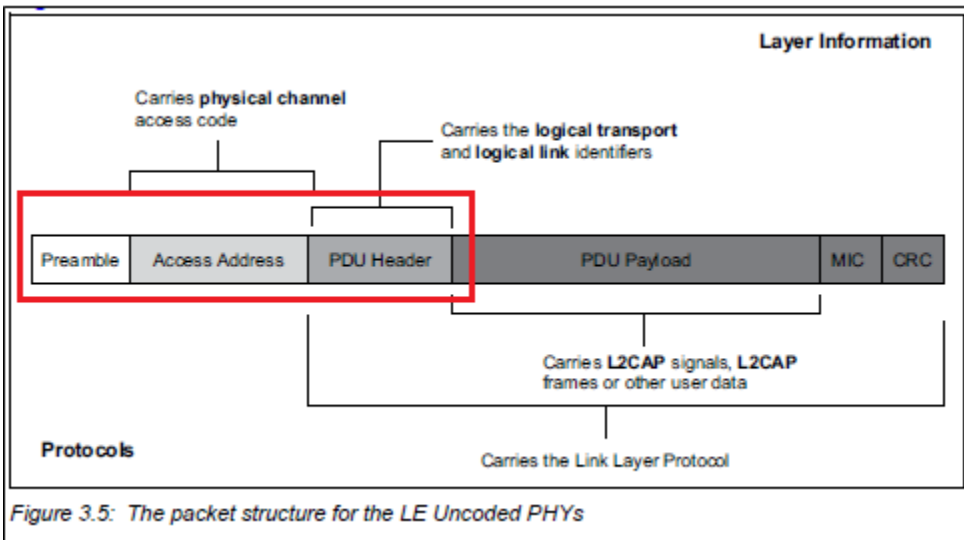
message packets on the advertising channels during advertising events. The Bluetooth low energy advertising message packets contain predetermined fields such as a Preamble, Access address, and PDU header. *See, e.g., Bluetooth Core Specification 5.0 (Page 193, Volume 1).*



Bluetooth Core Specification 5.0 (Page 2717, Volume 6). As shown above, the Link Layer (“LL B”) of advertiser (“Host B”) broadcasts a series of advertising message packets (“Advert”) to scanner Link Layer (“LL A”) of “Host A.” The advertising message packets (Adv) are transmitted on multiple advertising channels, such as “Adv Ch(k)”, “Adv Ch(k+1)” and “Adv Ch(k+2)” during the first advertising event, and on two advertising channels (“Adv Ch(k)” and “Adv Ch(k+1)”) during the second advertising event, as illustrated below.



Bluetooth Core Specification 5.0 (Page 170, Volume 1). The Bluetooth low energy advertising packets contain predetermined fields such as a Preamble, Access address, and PDU header. The advertising packet PDU header contains the PDU type, length, etc. The PDU type field may be ADV\_IND, in the case of a “connectable undirected” message.



Bluetooth Core Specification 5.0 (Page 197, Volume 1).

The PDU Type field of the advertising channel PDU that is contained in the header indicates the PDU type as defined in Table 2.3. This table also shows which channel and which PHYs the packet may appear on.

PDU Type	PDU Name	Channel	Permitted PHYs		
			LE 1M	LE 2M	LE Coded
0000b	ADV_IND	Primary Advertising	•		
0001b	ADV_DIRECT_IND	Primary Advertising	•		
0010b	ADV_NONCONN_IND	Primary Advertising	•		
0011b	SCAN_REQ	Primary Advertising	•		
	AUX_SCAN_REQ	Secondary Advertising	•	•	•
0100b	SCAN_RSP	Primary Advertising	•		
0101b	CONNECT_IND	Primary Advertising	•		
	AUX_CONNECT_REQ	Secondary Advertising	•	•	•
0110b	ADV_SCAN_IND	Primary Advertising	•		

Table 2.3: Advertising channel PDU Header's PDU Type field encoding

Bluetooth Core Specification 5.0 (Page 2567, Volume 6).

### 3.3 Advertising PDU

The accessory should use one of the following advertising PDUs:

- ADV\_IND
- ADV\_NOCONN\_IND
- ADV\_SCAN\_IND

<https://developer.apple.com/hardware/drivers/BluetoothDesignGuidelines.pdf> (Page 6).

Advertising Event Type	Type of PDU being responded to	Allowable response PDUs			
		SCAN_REQ <sup>1</sup>	CONNECT_IND <sup>1</sup>	AUX_SCAN_REQ	AUX_CONNECT_REQ
Connectable and Scannable Undirected Event	ADV_IND	YES	YES	NO	NO
Connectable Undirected Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	YES
Connectable Directed Event	ADV_DIRECT_IND	NO	YES <sup>2</sup>	NO	NO
	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	YES <sup>2</sup>
Non-Connectable and Non-Scannable Undirected Event	ADV_NONCONN_IND	NO	NO	NO	NO
	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	NO
Non-Connectable and Non-Scannable Directed Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	NO
Scannable Undirected Event	ADV_SCAN_IND	YES	NO	NO	NO
	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	YES	NO
Scannable Directed Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	YES <sup>3</sup>	NO

Table 4.1: Advertising event types, PDUs used and allowable response PDUs

Bluetooth Core Specification 5.0 (Page 2609, Volume 6).

17. The Accused Infringing Devices implement a communications system comprising of means for adding to an inquiry message prior to transmission an additional data field for polling at least one secondary station. For example, the Accused Infringing Devices using Bluetooth low energy protocol add the variable PDU Payload field to the advertising messages prior to transmitting the packet. The PDU Payload includes the advertising payload data, which varies based on the type of advertising message being sent. In the case of a connectable undirected advertising message (“ADV\_IND”), the scanner/initiator may respond back to the advertiser by sending a scan request (SCAN\_REQ) or connect request (CONNECT\_IND PDU).



7.8.7 LE Set Advertising Data Command			
Command	OCF	Command parameters	Return Parameters
HCI_LE_Set_Advertising_Data	0x0008	Advertising_Data_Length, Advertising_Data	Status

**Description:**

The LE\_Set\_Advertising\_Data command is used to set the data used in advertising packets that have a data field.

Only the significant part of the Advertising\_Data should be transmitted in the advertising packets, as defined in [Vol 3] Part C, Section 11.

If advertising is currently enabled, the Controller shall use the new data in subsequent advertising events. If an advertising event is in progress when this command is issued, the Controller may use the old or new data for that event. If advertising is currently disabled, the data shall be kept by the Controller and used once advertising is enabled.

Bluetooth Core Specification 5.0 (Page 1256, Volume 2).

Event	Event Code	Event parameters
LE Advertising Report	0x3E	Subevent_Code, Num_Reports, Event_Type[i], Address_Type[i], Address[i], Length[i], Data[i], RSSI[i]

Bluetooth Core Specification 5.0 (Page 1193, Volume 2).

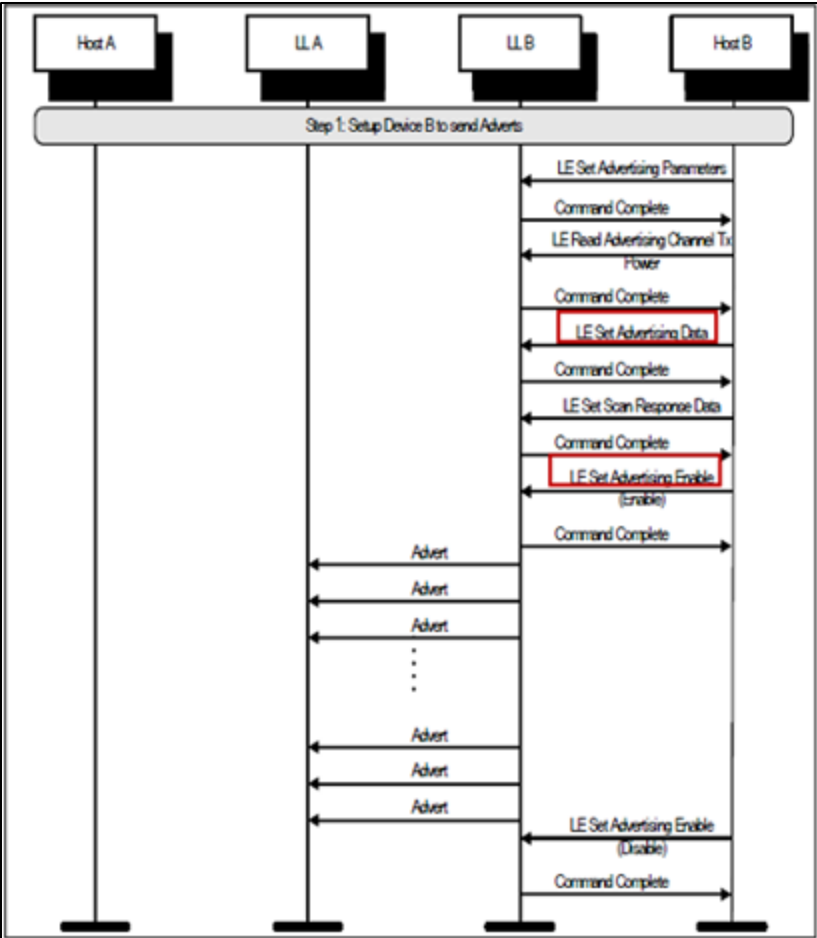


Figure 3.1: Undirected Advertising

Bluetooth Core Specification 5.0 (Page 2717, Volume 6).

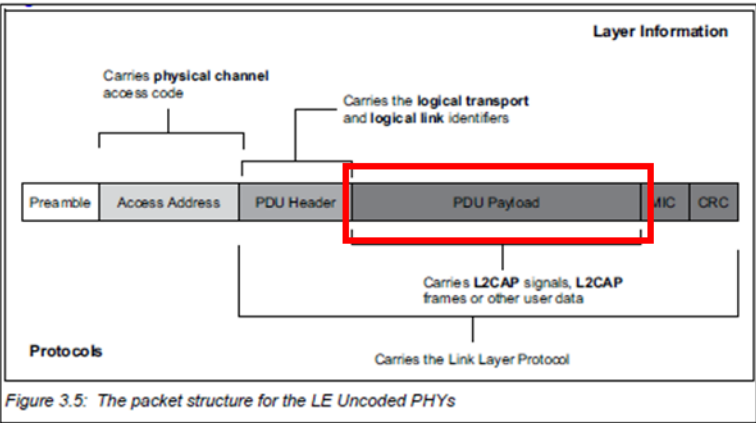


Figure 3.5: The packet structure for the LE Uncoded PHYs

Bluetooth Core Specification 5.0 (Page 197, Volume 1).

The advertising channel PDU has a 16-bit header and a variable size payload. Its format is as shown in Figure 2.4. The 16-bit Header field of the advertising channel PDU is as shown in Figure 2.5.

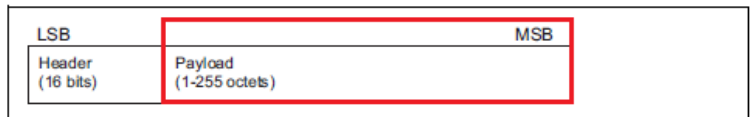


Figure 2.4: Advertising channel PDU

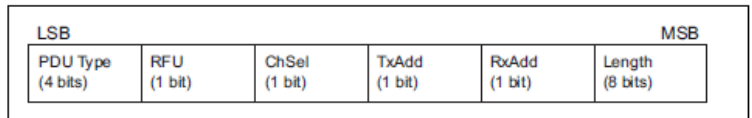


Figure 2.5: Advertising channel PDU Header

Bluetooth Core Specification 5.0 (Page 2567, Volume 6).

The ADV\_IND PDU has the Payload as shown in Figure 2.6. The PDU shall be used in connectable and scannable undirected advertising events. The TxAdd in the advertising channel PDU header indicates whether the advertiser's address in the AdvA field is public (TxAdd = 0) or random (TxAdd = 1). The ChSel field in the advertising channel PDU header shall be set to 1 if the advertiser supports the LE Channel Selection Algorithm #2 feature (see Section 4.5.8.3).

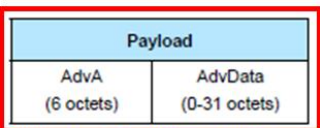


Figure 2.6: ADV\_IND PDU Payload

The Payload field consists of AdvA and AdvData fields. The AdvA field shall contain the advertiser's public or random device address as indicated by TxAdd. The AdvData field may contain Advertising Data from the advertiser's Host.

Bluetooth Core Specification 5.0 (Page 2569, Volume 6)

**4.4.2.3 Connectable and Scannable Undirected Event Type**

When the connectable and scannable undirected advertising event type is used, advertising indications (ADV\_IND PDUs) are sent by the Link Layer.

The connectable and scannable undirected advertising event type allows a scanner or initiator to respond with either a scan request or connect request. A scanner may send a scan request (SCAN\_REQ PDU) to request additional information about the advertiser. An initiator may send a connect request (CONNECT\_IND PDU) to request the Link Layer to enter the Connection State.

The Link Layer shall listen on the same primary advertising channel index for requests from scanners or initiators.

If the advertiser receives a SCAN\_REQ PDU that contains its device address from a scanner allowed by the advertising filter policy, it shall reply with a SCAN\_RSP PDU on the same primary advertising channel index. After the SCAN\_RSP PDU is sent, or if the advertising filter policy prohibited processing the SCAN\_REQ PDU, the advertiser shall either move to the next used primary advertising channel index to send another ADV\_IND PDU, or close the advertising event.

Bluetooth Core Specification 5.0 (Page 2613, Volume 6)

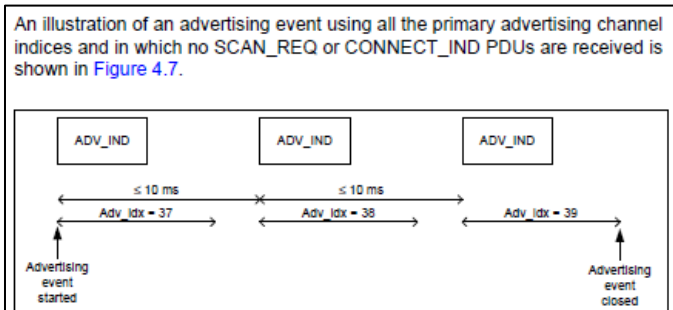


Figure 4.7: Connectable and scannable undirected advertising event with only advertising PDUs

Two illustrations of advertising events using all the primary advertising channel indices during which a SCAN\_REQ PDU is received and a SCAN\_RSP PDU is sent are shown in Figure 4.8 and in Figure 4.9.

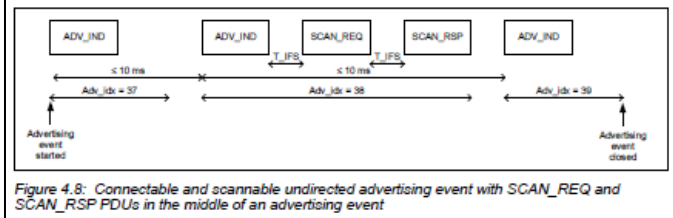


Figure 4.8: Connectable and scannable undirected advertising event with SCAN\_REQ and SCAN\_RSP PDUs in the middle of an advertising event

Bluetooth Core Specification 5.0 (Page 2614, Volume 6).

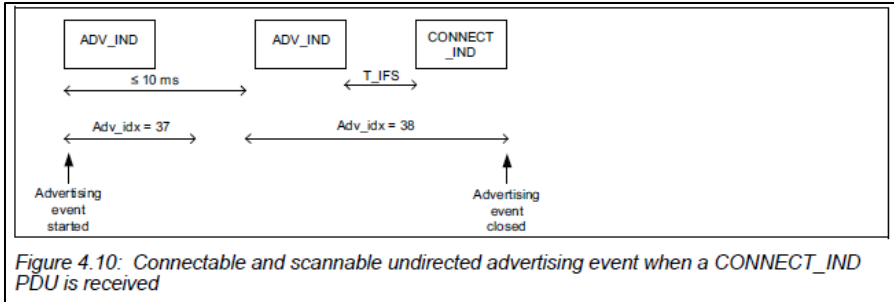
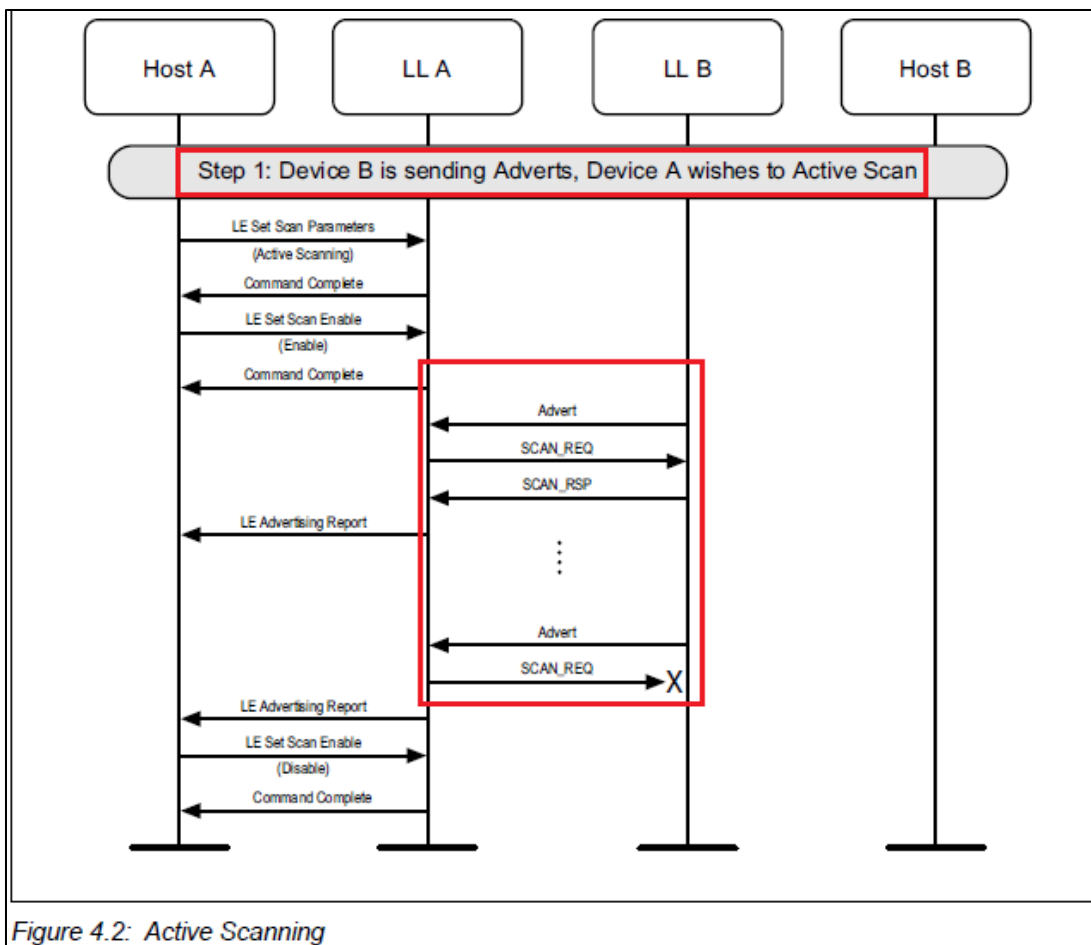


Figure 4.10: Connectable and scannable undirected advertising event when a CONNECT\_IND PDU is received

Bluetooth Core Specification 5.0 (Page 2615, Volume 6).



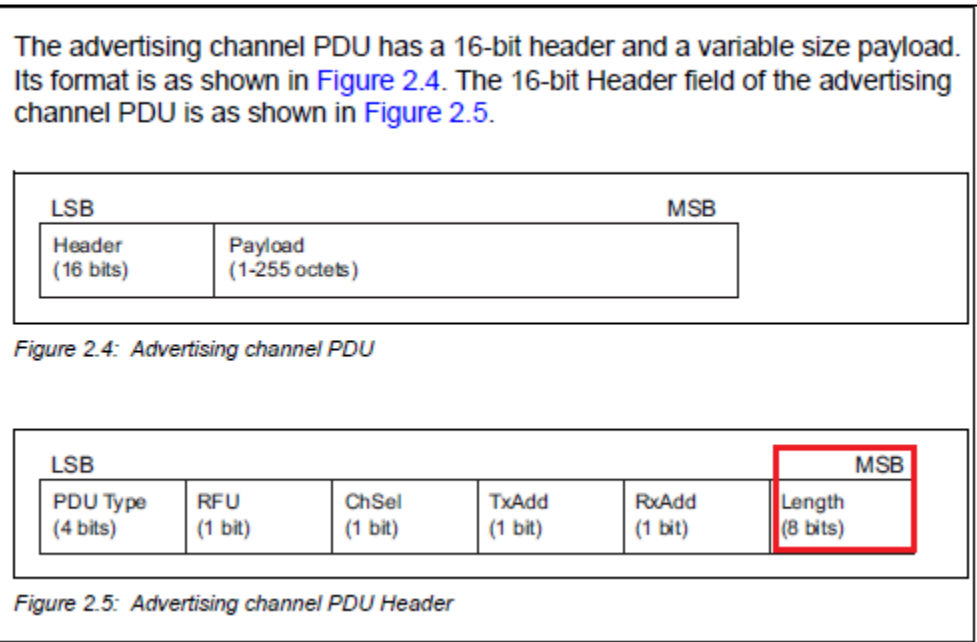
Bluetooth Core Specification 5.0 (Page 2725, Volume 6)

18. The Accused Products implement a communications system wherein the at least one polled secondary station has means for determining when an additional data field has been added to the plurality of data fields, for determining whether it has been polled from the additional data field and for responding to a poll when it has data for transmission to the primary station. For example, the PDU header field contains a “Length” field which, when read by an initiator/scanner, indicates the presence of the PDU payload data. See, e.g., Bluetooth Core Specification 5.0 (Page 199, Volume 1).

All LE packets include a PDU header. The PDU header determines the type of advertisement broadcast or logical link carried over the physical channel.

For advertising channel PDUs, the PDU header contains the type of advertisement payload, the device address type for addresses contained in the advertisement, and the advertising channel PDU payload length. Most advertising channel PDU payloads contain the advertiser's address and advertising data. One advertising channel PDU payload only contains the advertiser's device address and the initiator's device address in which the advertisement is directed. Advertising channel PDUs with scan requests payloads contain the scanner's device address and the advertiser's device address. Advertising channel PDUs with scan responses contain advertiser's device address and the scan response data. Advertising channel PDUs with connection request payloads contain the initiator's device address, advertiser's device address and connection setup parameters.

**Source:** Bluetooth Core Specification 5.0 (Page 199, Volume 1)



**Source:** Bluetooth Core Specification 5.0 (Page 2567, Volume 6)

The Length field of the advertising channel PDU header indicates the payload field length in octets. The valid range of the Length field shall be 1 to 255 octets.

Bluetooth Core Specification 5.0 (Page 2568, Volume 6). In addition, the PDU header includes the PDU Type field, which indicates the type of advertising message and PDU payload data and thus, allows the scanner/initiator to know whether the advertising event can be responded to.

**4.4.2.3 Connectable and Scannable Undirected Event Type**

When the connectable and scannable undirected advertising event type is used, advertising indications (ADV\_IND PDUs) are sent by the Link Layer.

The connectable and scannable undirected advertising event type allows a scanner or initiator to respond with either a scan request or connect request. A scanner may send a scan request (SCAN\_REQ PDU) to request additional information about the advertiser. An initiator may send a connect request (CONNECT\_IND PDU) to request the Link Layer to enter the Connection State.

The Link Layer shall listen on the same primary advertising channel index for requests from scanners or initiators.

If the advertiser receives a SCAN\_REQ PDU that contains its device address from a scanner allowed by the advertising filter policy, it shall reply with a SCAN\_RSP PDU on the same primary advertising channel index. After the SCAN\_RSP PDU is sent, or if the advertising filter policy prohibited processing the SCAN\_REQ PDU, the advertiser shall either move to the next used primary advertising channel index to send another ADV\_IND PDU, or close the advertising event.

Bluetooth Core Specification 5.0 (Page 2613, Volume 6). When the advertising event is, for example, a “connectable undirected” (“ADV\_IND”) event and the PDU payload is present, the initiators/scanners can read the PDU payload data and respond by sending a “scan request” (“SCAN\_REQ”) or “connect request” (“CONNECT\_IND”) “response PDU” to the advertiser.

An advertising event can be one of the following types:

- a connectable and scannable undirected event
- a connectable undirected event
- a connectable directed event
- a non-connectable and non-scannable undirected event
- a non-connectable and non-scannable directed event
- a scannable undirected event
- a scannable directed event

Bluetooth Core Specification 5.0 (Page 2608, Volume 6)

Advertising Event Type	Type of PDU being responded to	Allowable response PDUs			
		SCAN_REQ <sup>1</sup>	CONNECT_IND <sup>1</sup>	AUX_SCAN_REQ	AUX_CONNECT_REQ
Connectable and Scannable Undirected Event	ADV_IND	YES	YES	NO	NO
Connectable Undirected Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	YES
Connectable Directed Event	ADV_DIRECT_IND	NO	YES <sup>2</sup>	NO	NO
	ADV_EXT_IND	NO	NO	NO	NO
Non-Connectable and Non-Scannable Undirected Event	AUX_ADV_IND	NO	NO	NO	YES <sup>2</sup>
	ADV_NONCONN_IND	NO	NO	NO	NO
Non-Connectable and Non-Scannable Directed Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	NO	NO
Scannable Undirected Event	ADV_SCAN_IND	YES	NO	NO	NO
	ADV_EXT_IND	NO	NO	NO	NO
Scannable Directed Event	AUX_ADV_IND	NO	NO	YES	NO
	ADV_EXT_IND	NO	NO	NO	NO
Scannable Directed Event	ADV_EXT_IND	NO	NO	NO	NO
	AUX_ADV_IND	NO	NO	YES <sup>3</sup>	NO

Table 4.1: Advertising event types, PDUs used and allowable response PDUs

Bluetooth Core Specification 5.0 (Page 2609, Volume 6)

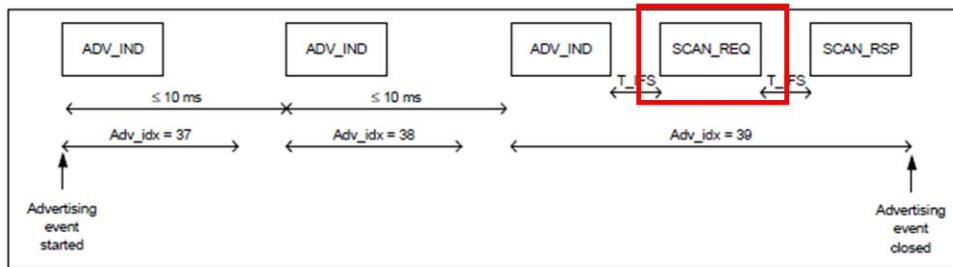


Figure 4.9: Connectable and scannable undirected advertising event with SCAN\_REQ and SCAN\_RSP PDUs at the end of an advertising event

Bluetooth Core Specification 5.0 (Page 2614, Volume 6).

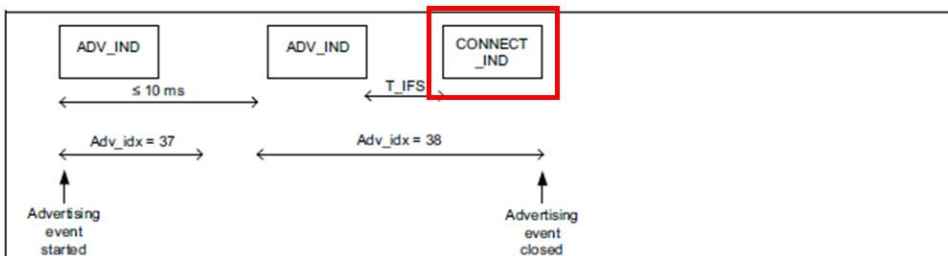


Figure 4.10: Connectable and scannable undirected advertising event when a CONNECT\_IND PDU is received

Bluetooth Core Specification 5.0 (Page 2615, Volume 6).



19. Apple has been on notice of the '049 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, and thus has known that its continued actions would contribute to the infringement of claims of the '049 patent.

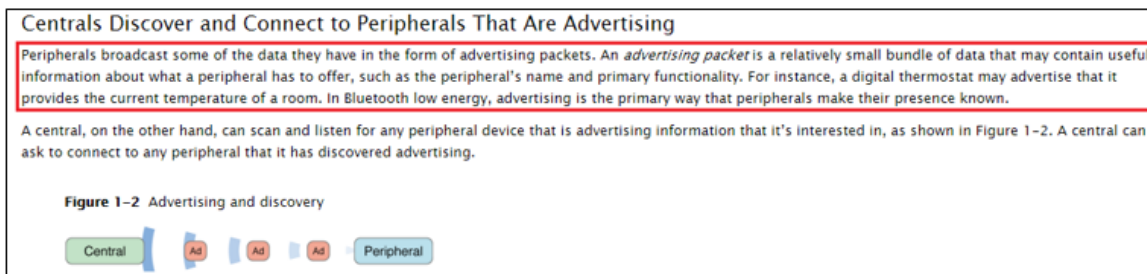
20. Apple has actively induced, and continues to actively induce, infringement by others, including customers using the Accused Infringing Devices, by encouraging them to use, and instructing them how to use, those devices that Apple has intentionally designed and programmed to operate such that a first device broadcasts messages including data to a second device to poll the second device that may respond when the second device has data to transmit to the first device, whereby the devices infringe the asserted claims of the '049 Patent.

21. Apple's customers who use those devices in accordance with Apple's design and intentions infringe claims of the '049 Patent. Apple intentionally instructs its customers to infringe through training videos, demonstrations, brochures, specifications and installation and user guides, such as those located at:

- [www.apple.com/iphone-x/specs/](http://www.apple.com/iphone-x/specs/)
- [www.apple.com/iphone-8/specs/](http://www.apple.com/iphone-8/specs/)
- [www.apple.com/iphone-7/specs/](http://www.apple.com/iphone-7/specs/)
- [www.apple.com/iphone-6s/specs/](http://www.apple.com/iphone-6s/specs/)
- [www.apple.com/iphone-se/specs/](http://www.apple.com/iphone-se/specs/)
- [www.apple.com/iphone/compare /](http://www.apple.com/iphone/compare/)
- [www.apple.com/ipad-pro/specs/](http://www.apple.com/ipad-pro/specs/)
- [www.apple.com/ipad-9.7/specs/](http://www.apple.com/ipad-9.7/specs/)
- [www.apple.com/ipad-mini-4/specs/](http://www.apple.com/ipad-mini-4/specs/)

- [www.apple.com/apple-tv/specs/](http://www.apple.com/apple-tv/specs/)
- [www.apple.com/watch/](http://www.apple.com/watch/)
- [https://developer.apple.com/library/content/documentation/NetworkingInternetWeb/Conceptual/CoreBluetooth\\_concepts/](https://developer.apple.com/library/content/documentation/NetworkingInternetWeb/Conceptual/CoreBluetooth_concepts/)
- <https://developer.apple.com/hardwaredrivers/BluetoothDesignGuidelines.pdf>
- <https://support.apple.com/en-US/specs/macnotebooks/>

22. In its marketing and instructional materials, including those identified above, Apple specifically and intentionally instructs its customers to use the Apple Wireless Devices in an infringing manner:



**Source:**

[https://developer.apple.com/library/content/documentation/NetworkingInternetWeb/Conceptual/CoreBluetooth\\_concepts/CoreBluetoothOverview/CoreBluetoothOverview.html#//apple\\_ref/doc/uid/TP40013257-CH2-SW1](https://developer.apple.com/library/content/documentation/NetworkingInternetWeb/Conceptual/CoreBluetooth_concepts/CoreBluetoothOverview/CoreBluetoothOverview.html#//apple_ref/doc/uid/TP40013257-CH2-SW1)

This specification presents design guidelines for hardware accessories that use the Bluetooth transport to communicate with Apple products including Mac, iPhone, iPad, and iPod touch models.

To be compatible with Apple products, both current and future, Bluetooth accessories should follow the guidelines in this specification. An Apple product may make feature availability contingent on the Bluetooth accessory following these specifications.

**Source:** <https://developer.apple.com/hardwaredrivers/BluetoothDesignGuidelines.pdf> (Page 6)

Apple has intentionally designed and sells the Accused Infringing Devices to automatically operate as described above in violation of the '049 Patent.

23. Apple intends and knows that its customers use the Accused Infringing Devices to operate as described above. When the Accused Infringing Devices are used as intended by Apple, Apple intentionally induces such infringement.

24. Apple has known and intended, since service of the original Complaint, that its continuing encouragement and instructions to perform those infringing acts would induce performance of the infringing acts by others, including customers. Despite that knowledge, and as evidence of its intent, Apple has refused to discontinue the inducing acts and refused to remove the infringing functionality from the Accused Infringing Devices.

25. Apple has also infringed, and continues to infringe, claims 1-2, 4, 8-9, and 11 of the '049 patent by offering to commercially distribute, commercially distributing, or importing the Accused Infringing Devices which devices are used in practicing the processes, or using the systems, of the '049 patent, and constitute a material part of the invention. For example, the Accused Infringing Devices include software for causing operation of the communications systems wherein a first or primary device broadcasts messages including data to a second or secondary device to poll the second or secondary device that may respond to the first or primary device when the second or secondary device has data to transmit to the first or primary device ("Infringing Software"), which is packaged with other software in the Accused Infringing Devices. Apple knows that the Infringing Software is especially made or especially adapted for use in infringement of the '049 patent, not a staple article, and not a commodity of commerce suitable for substantial non-infringing use. Apple is thereby liable for infringement of the '049 Patent under 35 U.S.C. § 271(c).

26. Apple has been on notice of the '049 Patent since, at the latest, the service of the Original Complaint upon it. By the time of trial, Apple will have known and intended (since

receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 1-2, 4, 8-9, and 11 of the '049 Patent.

27. Apple may have infringed the '049 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

28. Uniloc has been damaged by Apple's infringement of the '049 Patent.

**PRAYER FOR RELIEF**

Uniloc requests that the Court enter judgment against Apple:

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

Date: May 30, 2018

Respectfully submitted,

*/s/ Kevin Gannon*

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**ATTORNEYS FOR THE PLAINTIFFS**

**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 per Local Rule CV-5(a)(3) on May 30, 2018.

*/s/ Kevin Gannon*

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Kevin Gannon