

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 JEREMIAH A. ARMSTRONG (253705)
10 jarmstrong@feinday.com
11 HONG LIN (SBN 249898)
12 hlin@feinday.com
13 **FEINBERG DAY ALBERTI LIM &
14 BELLOLI LLP**
15 1600 El Camino Real, Suite 280
16 Menlo Park, CA 94025
17 Tel: 650.618.4360
18 Fax: 650.618.4368
19 Attorneys for Uniloc 2017 LLC

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 UNILOC 2017 LLC,
23
24 Plaintiff,
25 v.
26 MICROSOFT CORPORATION,
27
28 Defendant.

CASE NO. 8:19-cv-00780

**COMPLAINT FOR PATENT
INFRINGEMENT**
DEMAND FOR JURY TRIAL

1 Plaintiff Uniloc 2017 LLC (“Uniloc”), by and through the undersigned
2 counsel, hereby brings this action and makes the following allegations of patent
3 infringement relating to U.S. Patent No. 8,724,622 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. 8,724,622, a copy of which is attached hereto
10 as Exhibit A.

11 2. Uniloc alleges that Microsoft directly infringes the ’622 patent by
12 making, using, offering for sale, selling and importing messaging communication
13 systems such as Skype. Uniloc seeks damages and other relief for Microsoft’s
14 infringement of the ’622 patent.

15 **THE PARTIES**

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

19 4. Uniloc holds all substantial rights, title and interest in and to the ’622
20 patent.

21 5. Upon information and belief, Defendant Microsoft Corporation is a
22 corporation organized and existing under the laws of the State of Washington, with at
23 least the following places of business in this District: 3 Park Plaza, Suite 1600, Irvine,
24 CA 92614; 3333 Bristol Street, Suite 1249, Costa Mesa, CA 92626; 578 The Shops at
25 Mission Viejo, Mission Viejo, CA 92691; 331 Los Cerritos Center, Cerritos, CA
26 90703; 13031 West Jefferson Blvd., Suite 200, Los Angeles, CA 90094; 2140
27 Glendale Galleria, JCPenney Court, Glendale, CA 91210; 10250 Santa Monica Blvd.,
28

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

6 **JURISDICTION AND VENUE**

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

10 7. This Court has both general and specific jurisdiction over Microsoft
11 because Microsoft has committed acts within the Central District of California
12 giving rise to this action and has established minimum contacts with this forum
13 such that the exercise of jurisdiction over Microsoft would not offend traditional
14 notions of fair play and substantial justice. Defendant Microsoft, directly and
15 through subsidiaries, intermediaries (including distributors, retailers, franchisees
16 and others), has committed and continues to commit acts of patent infringement in
17 this District, by, among other things, making, using, testing, selling, licensing,
18 importing and/or offering for sale/license products and services that infringe the
19 '622 patent.

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

24 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,724,622**

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

27 10. The '622 patent, titled "System And Method For Instant VoIP
28

1 Messaging,” issued on May 13, 2014. A copy of the ’622 patent is attached as
2 Exhibit A.

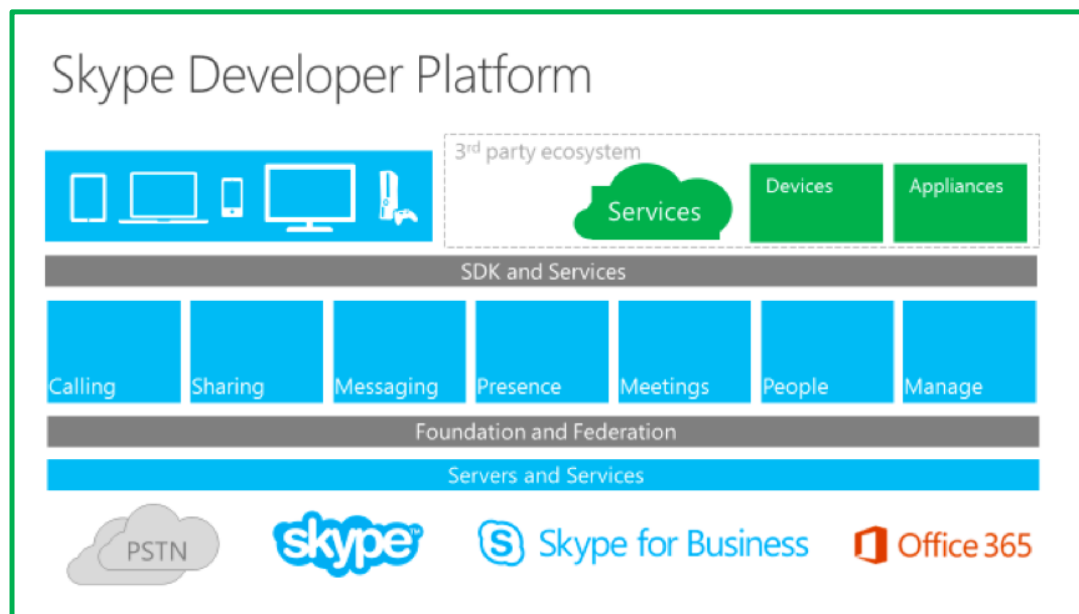
3 11. Pursuant to 35 U.S.C. § 282, the ’622 patent is presumed valid.

4 12. Invented by Michael J. Rojas, the ’622 patent relates to a messaging
5 communication system for instant voice messaging.

6 13. On information and belief, Microsoft makes, uses, offers for sale, and
7 sells in the United States and imports into the United States messaging
8 communications systems such as Skype (collectively the “Accused Infringing
9 System”).

10 14. Upon information and belief, the Accused Infringing System infringes
11 at least claim 1 of the ’622 patent in the exemplary manner described below.

12 15. The Accused Infringing System is comprised of multiple servers and
13 services for users and developers.



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25 **Source:** <https://docs.microsoft.com/skype-sdk/skypedeveloperplatform>

26 16. The Accused Infringing System contains a network interface to a
27 packet switched network. The Accused Infringing System is cloud based,
28

1 connecting to users via a packet switched network. It requires, for example, that
2 certain network ports be open to communicate to Skype clients. The protocols used
3 (e.g., UDP, TCP) require a network interface to connect to the Internet, and are
4 packet switched network protocols.

5
6 We're making sure that Skype continuously evolves to offer our users the latest technology.
7 Therefore, Skype has been transitioning from a peer-to-peer architecture to a cloud
8 infrastructure. Moving to the cloud ensures that Skype features such as group video calling,
9 audio, and chat are available when you want them.

10 **Source:** <https://support.skype.com/en/faq/FA12381/what-does-it-mean-that-skype-is-moving-from-peer-to-peer-to-the-cloud>

11 Which ports need to be open to use 12 Skype for Windows desktop?

13 For Skype to work correctly, the following ports need to be open in your firewall:

- 14 • 443/TCP
- 15 • 3478-3481/UDP
- 16 • 49152-65535/UDP + TCP

17 **Source:** <https://support.skype.com/en/faq/fa148/which-ports-need-to-be-open-to-use-skype-for-windows-desktop>

18 all the way to the end users of these networks. Put differently, end-user
19 devices utilize the Internet as a packet-switched network directly—unless
20 blocked by a firewall or similar device, every Internet-connected computer
21 can send messages to every other Internet-connected computer in the same
22 native IP format.⁷⁷ More technically, the Internet is the packet-switched
network that receives IP formatted packets from connected users and

23 **Source:** https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1737&context=hastings_comm_ent_law_journal

24
25 17. The Accused Infringing System enables communicating with a
26 plurality of instant voice messaging client systems, which include voice only
27 messages (e.g., for Android clients), and well as video messages (for all clients),
28

1 which include voice audio. For example, the Accused Infringing System uses
2 network ports on a network interface to support communicating with a plurality of
3 instant voice message client systems.

4
5 Skype has more than 300 million monthly active
6 users, will get bots

7 by Surur  @mspouser

8  Mar 30, 2016 at 17:23 GMT

9 **Source:** <https://mspouser.com/skype-300-million-monthly-active-users/>

10
11 **1** Sign into Skype.

12 **2** Under **Contacts**, right-click the contact or group you'd like to send a
video message to.

13 **3** Select **Send Video Message**.

14 **Source:** [https://support.skype.com/en/faq/fa12283/how-do-i-send-and-receive-video-messages-](https://support.skype.com/en/faq/fa12283/how-do-i-send-and-receive-video-messages-in-skype-for-windows-desktop)
15 [in-skype-for-windows-desktop](https://support.skype.com/en/faq/fa12283/how-do-i-send-and-receive-video-messages-in-skype-for-windows-desktop)

16 **Which ports need to be open to use**
17 **Skype for Windows desktop?**

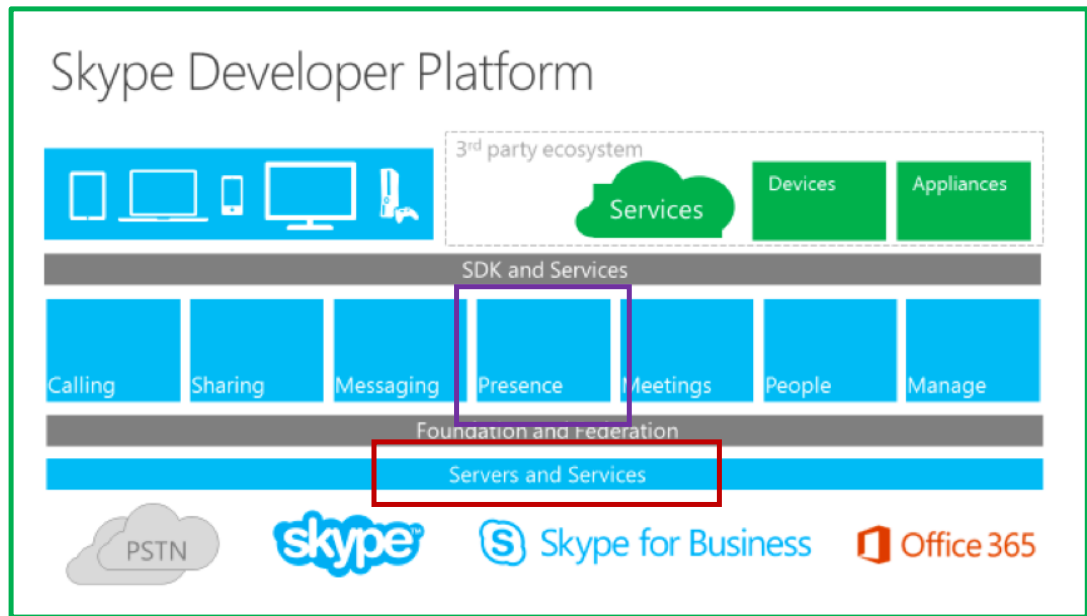
18 For Skype to work correctly, the following ports need to be open in your firewall:

- 19
20
- 443/TCP
 - 3478-3481/UDP
 - 49152-65535/UDP + TCP

21 **Source:** [https://support.skype.com/en/faq/fa148/which-ports-need-to-be-open-to-use-skype-for-](https://support.skype.com/en/faq/fa148/which-ports-need-to-be-open-to-use-skype-for-windows-desktop)
22 [windows-desktop](https://support.skype.com/en/faq/fa148/which-ports-need-to-be-open-to-use-skype-for-windows-desktop)

23 18. The Accused Infringing System includes a communication platform
24 system that maintains connection information for each of the plurality of instant
25 voice message client systems, indicating whether there is a current connection to
26 each of the plurality of instant voice message client systems. For example, the
27 Accused Infringing System developer platform includes servers and services that
28






1 provide the various functions in the Accused Infringing System’s communications
2 platform. This system maintains connectivity (presence) information on users of
3 the Accused Infringing System. The presence indicators rely on information on
4 whether there is a current connection to each of the Accused Infringing System’s
5 users.



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17 **Source:** <https://docs.microsoft.com//skype-sdk/skypedeveloperplatform>

What are the possible Skype statuses?

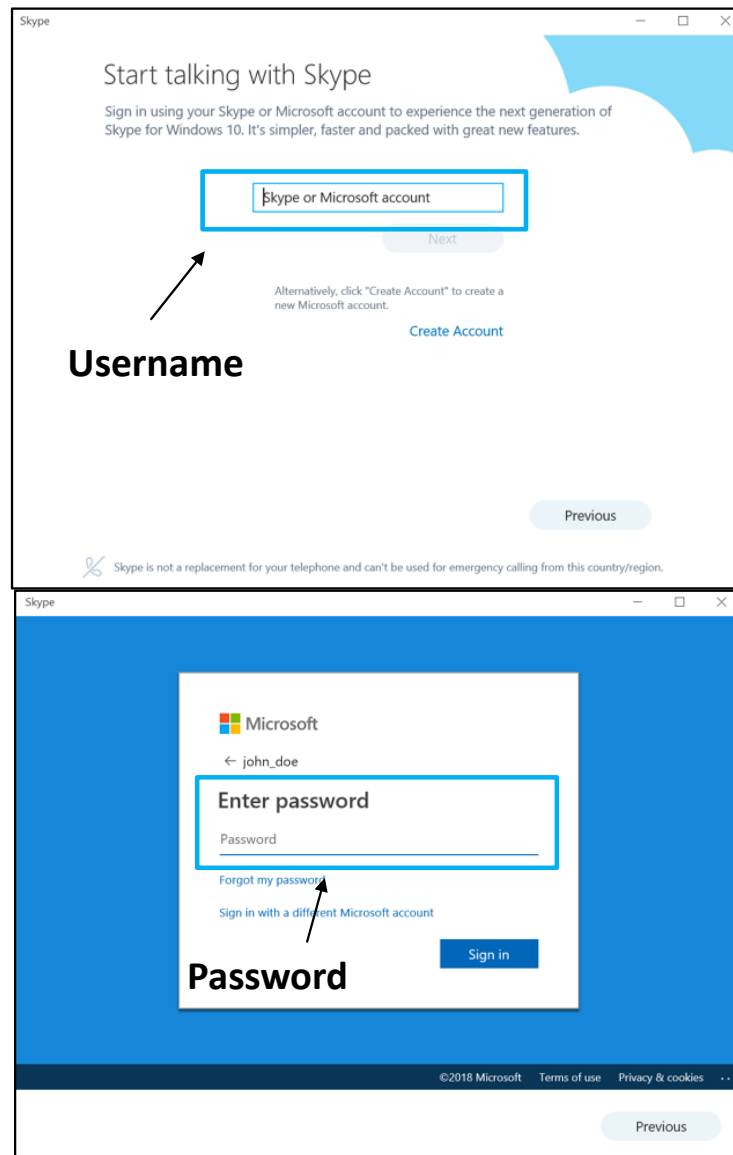
Status Description

	<p>Online</p> <p>This is your usual setting when you first sign into Skype. Your contacts can see that you're online and can contact you. Instant messages will be delivered to you straight away.</p>
	<p>Away</p> <p>Your contacts can see that you're signed in to Skype but not necessarily at your computer. Instant messages will be delivered to you immediately and your contacts can still try to call you.</p>
	<p>Do Not Disturb</p> <p>Your contacts can see that you're online but you don't want to be disturbed. They can still send you instant messages and call you, but you won't be alerted with sound.</p>
	<p>Invisible</p> <p>You'll appear to be offline to all of your contacts, but you can still use Skype as usual. It's a good way to continue using Skype but not be disturbed by instant messages or calls from your contacts.</p>
	<p>Offline</p> <p>Automatically displayed when you're not signed in to Skype. You can also set your status to offline by clicking your status icon and selecting it from the list.</p> <p>When offline, you cannot send instant messages or make or receive calls. Instant messages sent to you will be available when you sign on, independent of the sender's online status.</p>

Source: <https://support.skype.com/en/faq/FA34699/what-are-the-possible-skype-statuses>

19. The Accused Infringing System maintains a user database storing user records identifying users of the plurality of instant voice message client systems, where in each of the user records includes a user name, password, and a list of other users selected by a user. The Accused Infringing System's platform requires a user name and password to log into the system. This information is maintained in a database on the Accused Infringing System's servers. The status of these servers is visible online. These database servers include contact management that manages a user's contact list.

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Source: screen shots of Skype login.

20. Microsoft has infringed, and continues to infringe, at least claim 1 of the '622 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).

21. Upon information and belief, Microsoft may have infringed and continues to infringe the '622 patent through other software utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing System.

22. Microsoft's acts of direct infringement have caused and continue to

1 cause damage to Uniloc and Uniloc is entitled to recover damages sustained as a
2 result of Microsoft's wrongful acts in an amount subject to proof at trial.

3 **PRAYER FOR RELIEF**

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

6 a. A judgment that Microsoft has infringed one or more claims of
7 the '622 Patent literally and/or under the doctrine of equivalents;

8 b. That this Court award Uniloc its damages pursuant to 35 U.S.C.
9 § 284 and any royalties determined to be appropriate;

10 c. That this be determined to be an exceptional case under 35
11 U.S.C. § 285 and that Uniloc be awarded enhanced damages up to treble damages
12 for willful infringement as provided by 35 U.S.C. § 284;

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

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

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

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

20
21 **DEMAND FOR JURY TRIAL**

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

1 Dated: April 29, 2019

FEINBERG DAY ALBERTI LIM &
BELLOLI LLP

2
3 By: /s/ M. Elizabeth Day

4 M. Elizabeth Day

5 Attorneys for Plaintiff
6 Uniloc 2017 LLC

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