IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.,	§ § § §	Civil Action No. 2:17-cv-00571
Plaintiffs,	§ §	
v.	§ §	PATENT CASE
APPLE INC.,	§ § §	
Defendant.	§ § §	JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. ("Uniloc USA") and Uniloc Luxembourg, S.A. ("Uniloc Luxembourg") (together, "Uniloc"), for their 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. Uniloc USA also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2.   Uniloc Luxembourg is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th 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 place of business at 2601 Preston Road, Frisco, Texas and 6121 West Park Boulevard, Plano, 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 Eastern District of Texas. Apple may be served with process through

its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900,

Dallas, Texas 75201.

JURISDICTION AND VENUE

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).

5.   Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Apple

has committed acts of infringement in this judicial district, and has a regular and established

place of business in this district, as set forth above.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,216,158)

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

7.   Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,216,158

("the '158 Patent"), entitled SYSTEM AND METHOD USING A PALM SIZED COMPUTER

TO CONTROL NETWORK DEVICES, which issued April 10, 2001. A copy of the '158 Patent

is attached as Exhibit A.

8.   Uniloc USA is the exclusive licensee of the '158 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.

9.   Apple imports, offers for sale, and sells palm-sized iOS devices having wireless

communication ports and the ability to communicate wirelessly (such as by Bluetooth® or over a

WiFi network), to other devices on a network, using software.

10.   Apple imports, offers for sale, and sells a network device ("Apple TV"), on which Apple has installed a program ("Apple TV Program") that cannot be executed on Apple's palm-sized iOS devices. (The palm-sized iOS devices and Apple TV are referred to as "Accused Devices.")

11.   Apple has installed on its palm-sized iOS devices an application ("App Store"), which provides a directory of services, including one that corresponds to the Apple TV Program. Apple distributes, through its App Store, program code for controlling the service ("Apple TV Remote Application"), which when loaded on the palm-sized iOS device, allows that device to issue control commands to the Apple TV device to control the Apple TV Program. ("Apple TV Remote Application" is referred to as the "Accused Application.")

12.   Apple has infringed, and continues to infringe, claims of the '158 Patent in the United States, including claims 1, 2, 4, 6-9, 12, and 14-20, by making, using, offering for sale, selling, and importing the Accused Devices and the Accused Application, in violation of 35 U.S.C. §271(a).

13.   Apple has also infringed, and continues to infringe, claims 1, 2, 4, 6-9, 12, and 14-20 of the '158 Patent by actively inducing others to use, offer for sale, and sell the Accused Devices and the Accused Application.

14.   Apple's customers who use those devices and that application in accordance with Apple's instructions infringe claims 1, 2, 4, 6-9, 12, and 14-20 of the '158 Patent, in violation of 35 U.S.C. § 271(a). Apple intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and user guides, such as those located at:

- www.apple.com, including:

    https://www.apple.com/ios/app-store/

https://developer.apple.com/ios/

https://support.apple.com/en-us/HT204989

https://support.apple.com/en-us/HT202794

https://developer.apple.com/app-store/product-page/

https://www.apple.com/iphone-7/specs/

- www.youtube.com

Apple is thereby liable for infringement of the '158 Patent under 35 U.S.C. § 271(b).

15.   Apple has also infringed, and continues to infringe, claims 1, 2, 4, 6-9, 12, and 14-20 of the '158 patent by offering to commercially distribute, commercially distributing, or importing its Accused Devices and Accused Application, which apparatuses are used in practicing the processes, or using the systems, of the '158 patent, and constitute a material part of the invention. Apple knows portions of the software contained in the Accused Devices and Accused Application to be especially made or especially adapted for use in infringement of the '158 patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use.

16.   Apple will have been on notice of the '158 Patent since, at the latest, the service of this 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, 6-9, 12, and 14-20 of the '158 Patent.

17.   Apple may have infringed the '158 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Devices or the Accused Application.

18.   Uniloc has been damaged by Apple's infringement of the '158 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Apple:

(A)   declaring that Apple has infringed the '158 Patent;

(B)   awarding Uniloc its damages suffered as a result of Apple's infringement of the '158 Patent;

(C)   awarding Uniloc its costs, attorneys' fees, expenses, and interest, and

(D)   granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

Date: August 2, 2017   Respectfully submitted,

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