

**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, 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 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.

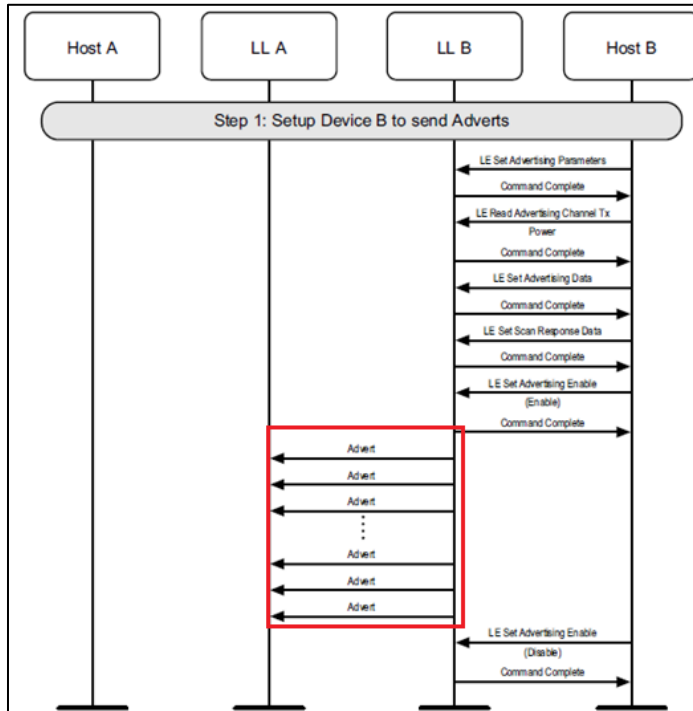
14. Apple has infringed, and continues to infringe, claims of the '049 Patent in the United States, including claims 1-2, 4, 8-9, and 11, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. §271(a).

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 5.0¹ (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

¹ 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.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.