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16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 UNILOC 2017 LLC,

19 Plaintiff,

20 v.

21 MICROSOFT CORPORATION,

22 Defendant.

CASE NO. 8:18-cv-02053

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Uniloc 2017 LLC (“Uniloc”), by and through the undersigned
2 counsel, hereby files this Complaint and makes the following allegations of patent
3 infringement relating to U.S. Patent Nos. 7,016,676, 7,075,917, 8,706,636 and
4 8,606,856 against Defendant Microsoft Corporation (“Microsoft”), and alleges as
5 follows upon actual knowledge with respect to itself and its own acts and upon
6 information and belief as to all other matters:

7 **NATURE OF THE ACTION**

8 1. This is an action for patent infringement. Uniloc alleges that
9 Microsoft infringes U.S. Patent Nos. 7,016,676 (the “’676 patent”), 7,075,917 (the
10 “’917 patent”), 8,706,636 (the “’636 patent”) and 8,606,856 (the “’856 patent”),
11 copies of which are attached hereto as Exhibits A-D (collectively, “the Asserted
12 Patents”).

13 2. Uniloc alleges that Microsoft directly and indirectly infringes the
14 Asserted Patents by making, using, offering for sale, selling and importing devices
15 and providing applications that: (1) include semiconductor chips with integrated
16 Bluetooth and Wi-Fi functionality such as the Microsoft Surface products, (2)
17 operate in compliance with HSUPA/HSUPA+ standardized in UMTS 3 GPP
18 Release 6 and above, such as the Microsoft Surface Pro with LTE devices, and (3)
19 uniquely identify digital assets such as Microsoft Office 365. Uniloc further alleges
20 that Microsoft induces and contributes to the infringement of others. Uniloc seeks
21 damages and other relief for Microsoft’s infringement of the Asserted Patents.

22 **THE PARTIES**

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

26 4. Uniloc holds all substantial rights, title and interest in and to the
27 Asserted Patents.

28

1 1391(b)-(d) and 1400(b) because Microsoft has committed acts of infringement in
2 the Central District of California and has multiple regular and established places of
3 business in the Central District of California.

4 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,016,676**

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

7 10. The '676 patent, titled "Method, Network and Control Station For The
8 Two-Way Alternate Control of Radio Systems Of Different Standards In the Same
9 Frequency Band," issued on March 21, 2006. A copy of the '676 patent is attached
10 as Exhibit A.

11 11. Pursuant to 35 U.S.C. § 282, the '676 patent is presumed valid.

12 12. Invented by Koninklijke Philips Electronics, N.V., the inventions of
13 the '676 patent were not well-understood, routine or conventional at the time of the
14 invention. At the time of invention of the '676 patent, a national regulation
15 authority determined on what frequencies, with what transmission power and in
16 accordance with what radio interface standard a radio system was allowed to
17 transmit. '676 patent at 1:12-15. There was provided so-called ISM frequency
18 bands (Industrial Scientific Medical) where radio systems can transmit in the same
19 frequency band in accordance with different radio interface standards. *Id.* at 1:15-
20 18. One example of this is the US radio system IEEE 802.11a and the European
21 ETSI BRAN HiperLAN/2. *Id.* at 1:18-20. The two radio systems transmit in the
22 same frequency bands between 5.5 GHz and 5.875 GHz with approximately the
23 same radio transmission method, but different transmission protocols. *Id.* at 1:20-
24 23. In the event of interference, prior art systems were implemented for active
25 switching to another frequency within the permitted frequency band, for controlling
26 transmission power and for adaptive coding and modulation to reduce interference.
27 *Id.* at 1:23-28. These prior art systems suffered from drawbacks. *Id.* at 1:65-2:10.

28

1 For example, prior art systems and methods did not make optimum use and
2 spreading possible of the radio channels over the stations which transmit in
3 accordance with different standards. *Id.* The guarantee of the service quality
4 necessary for the multimedia applications is impossible in the case of interference
5 caused by their own stations or stations of outside systems. *Id.* at 2:5-8. In the case
6 of alternating interference, the prior art systems did not work efficiently and occupy
7 a frequency channel even at low transmission rates. *Id.* at 2:8-10.

8 13. The inventive solution of the claimed inventions of the '676 patent
9 provides an interface control protocol method that overcomes one or more problems
10 of the prior art and makes efficient use of radio transmission channels. *Id.* at 2:11-
11 22. For example, the invention provides a method that controls alternate use of the
12 common frequency band to provide certain predefined time intervals for the use of
13 the first and second radio interface standard and allocate the frequency band
14 alternately to the first radio interface standard and then to the second radio interface
15 standard in a type of time-division multiplex mode. *Id.* at 2:51-57. According to
16 the claimed invention, a control station controls the access to the common
17 frequency band for stations working in accordance with the first radio interface
18 standard and—renders the frequency band available for access by the stations
19 working in accordance with the second radio interface standard if stations working
20 in accordance with the first radio interface standard do not request access to the
21 frequency band. *Id.* at 6:29-36. This allows the common frequency band to be
22 utilized more effectively particularly when the demand for transmission capacity in
23 accordance with the first and the second radio interface standard varies. *Id.* at 2:58-
24 62.

25 14. A person of ordinary skill in the art reading the '676 patent and its
26 claims would understand that the patent's disclosure and claim are drawn to solving
27 a specific, technical problem arising from the evolution of radio communications
28

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