

**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. 2:16-cv-777
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
AVAYA INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their First Amended Complaint against defendant, Avaya Inc. (“Avaya”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“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 also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“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. Uniloc Luxembourg owns a number of patents in the field of text/voice instant messaging.

4. Upon information and belief, Avaya is a Delaware corporation having a principal place of business at 4655 Great America Parkway, Santa Clara, California 95054 and does business in Texas at 1111 Freeport Parkway, Coppell, Texas 75019 and in the judicial Eastern

District of Texas. Avaya may be served with process through its registered agent in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

5. 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 pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Avaya is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. Avaya is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, and (B) regularly doing or soliciting business at 1111 Freeport Parkway, Coppell, Texas 75019 and (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,535,890)

8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,535,890 ("the '890 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on May 19, 2009. A true and correct copy of the '890 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '890 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following describes, at least in part, Avaya's Multimedia Messaging platform:



Avaya Multimedia Messaging

Keep business moving - short text, video, and audio messages efficiently beat the time trap of email and unnecessary phone calls

12. Upon information and belief, the following describes, at least in part, the key benefits of Avaya's Multimedia Messaging platform:

Key Benefits

Rich user experience: Your choice of media, text, voice, video, files and attachments. One click escalates an IM to a call.

13. Upon information and belief, the following describes, at least in part, how Avaya's Multimedia Messaging platform works:

Avaya Multimedia Messaging provides advanced multiparty instant messaging (IM) and rich media exchange capabilities to Avaya Unified Communications (UC) applications. Avaya Multimedia Messaging functionality is available on Avaya Communicator for iOS, Windows, Android, and iPhone.

When Avaya Multimedia Messaging is enabled on a supported application, you can

- Exchange text-based instant messages with users of Avaya Multimedia Messaging and Avaya Aura® Presence Services.
- Receive photo, audio, video, and generic file attachments.
- With Avaya Communicator for Windows, all users can send generic file attachments, but only users with enhanced privileges can capture photo, audio, and video files on Avaya Multimedia Messaging. With mobile clients, only users with enhanced privileges can send attachments in an IM conversation.
- View and participate in active conversations from multiple devices.

You can view an active conversation from applications that use Avaya Aura® Presence Services, even if the application does not have Avaya Multimedia Messaging enabled. When viewing a conversation in an application without Avaya Multimedia Messaging, you can use the provided message playback URL to view attachments.

- Search for archived or inactive conversations in the application History fan.

Avaya Multimedia Messaging has its own server that must reside on a Linux based server. VMware options for the Avaya Multimedia Messaging server are also available.

14. Upon information and belief, the following describes, at least in part, Avaya's Multimedia Messaging platform:



15. Upon information and belief, the following is, at least in part, an overview of Avaya's Multimedia Messaging platform:

Avaya Multimedia Messaging overview

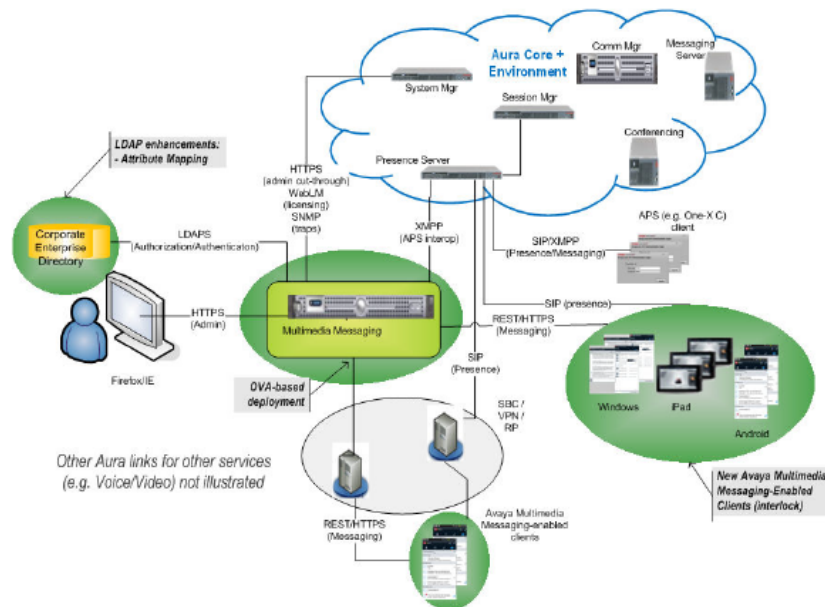
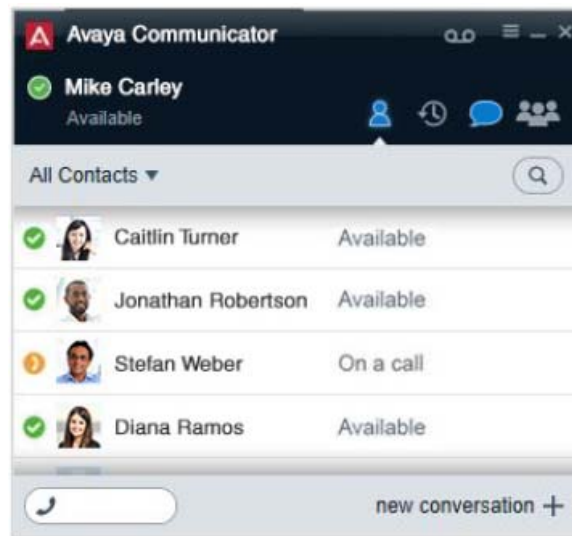


Figure 1: Avaya Multimedia Messaging deployment architecture

16. Upon information and belief, the following describes, at least in part, how Avaya’s Multimedia Messaging platform works:



17. Upon information and belief, the following describes, at least in part, how Avaya’s Multimedia Messaging platform works:

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