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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNILOC 2017 LLC,)	Case No.: 2:18-cv-01732
)	
Plaintiff,)	COMPLAINT FOR PATENT
)	INFRINGEMENT
v.)	
)	
HTC AMERICA, INC.,)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its complaint against defendant, HTC America, Inc. (“HTC”), alleges as follows:

THE PARTIES

1. Uniloc is a Delaware limited liability company having addresses at 1209 Orange Street, Wilmington, Delaware 19801; 620 Newport Center Drive, Newport Beach, California 92660; and 102 N. College Avenue, Suite 303, Tyler, Texas 75702.

2. HTC is a Washington corporation having a regular and established place of business in Bellevue, Washington 98005 and may be served with process through its registered agent for service: Cogency Global Inc., 1780 Barnes Blvd. SW, Tumwater, Washington 98512.

3. HTC imports and uses, offers for sale and/or sells its products and/or services, including those accused herein of infringement, to customers and potential customers located in this judicial district.

JURISDICTION

1
2 4. Uniloc brings this action for patent infringement under the patent laws of the
3 United States, 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28
4 U.S.C. §§ 1331 and 1338(a).

5 **COUNT I**
6 (INFRINGEMENT OF U.S. PATENT NO. 6,836,654)

7 5. Uniloc incorporates paragraphs 1-4 above by reference.

8 6. Uniloc owns all substantial rights, interest and title in and to U.S. Patent No.
9 6,836,654, which is entitled ANTI-THEFT PROTECTION FOR A RADIOTELEPHONY
10 DEVICE which issued on December 28, 2004 (“the ‘654 Patent”). A copy of the ‘654 Patent is
11 attached as Exhibit A

12 7. The ‘654 Patent describes in detail and claims in various ways inventions in
13 systems and devices for improved blocking and unblocking of the operational mode of electronic
14 devices such as cellphones, using timing and identifiers.

15 8. The ‘654 Patent describes problems and shortcomings in the then-existing field of
16 antitheft measures for portable telephones and describes and claims novel and inventive
17 technological improvements and solutions to such problems and shortcomings.

18 9. The written description of the ‘654 Patent describes in technical detail each of the
19 limitations of the claims, allowing a person of ordinary skill in the art to understand what the
20 limitations cover and how the non-conventional and non-generic combination of claim elements
21 differ markedly from and improved upon what may have been considered conventional or
22 generic.

23 10. HTC imports, uses, offers for sale and sells in the United States electronic devices
24 that utilize antitheft measures, including those identified in Exhibit B to this Complaint
25 (collectively “Accused Infringing Devices”).
26
27

1 11. The Accused Infringing Devices are mobile radiotelephony devices incorporating
2 antitheft technology that utilizes timing and identification codes to block and unblock normal
3 operation of the device.

4 12. HTC has infringed, and continues to infringe, claims of the '654 Patent in the
5 United States, including claims 1, 3-5 and 7, by making, using, offering for sale, selling and/or
6 importing the Accused Infringing Devices.

7 13. HTC specifically, knowingly and intentionally incorporates into the Accused
8 Infringing Devices components and software that are intended to enable the devices to operate as
9 described above to infringe the '654 Patent.

10 14. In its marketing, promotional and/or instructional materials, including those
11 identified below, HTC also intentionally instructs its customers to use the Accused Infringing
12 Devices in a manner that causes the devices to infringe the asserted claims of the '654 Patent.

13 15. HTC has infringed, and continues to infringe, claims 1, 3-5 and 7 of the '654
14 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices.
15 HTC's customers who use those devices in accordance with HTC's design, intent and
16 instructions infringe claims 1, 3-5 and 7 of the '654 Patent. HTC intentionally instructs its
17 customers to infringe through training videos, demonstrations, brochures, installation and user
18 guides and instructional and marketing materials, such as those located at one or more of the
19 following:

- 20 • www.htc.com, including:
- 21 • www.htc.com/us/smartphones/
- 22 • www.htc.com/us/smartphones/htc-u11/buy/
- 23 • www.htc.com/us/support/
- 24 • www.htc.com/us/support/htc-12-plus/
- 25 • www.htc.com/us/support/htc-11/
- 26 • www.htc.com/us/support/htc-desire-530/

- 1 • www.htc.com/us/support/htc-11/howto/setting-a-screen-lock.html
- 2 • www.htc.com/us/support/htc-11-sprint/howto/making-a-call-with-smart-dial.html
- 3 • www.htc.com/us/support/usereguide/htc-one-m8/
- 4 • www.htc.com/mea-en/support/htc-one-m9/howto/601572.html
- 5 • www.htc.com/sea/support/htc-desire-626/howto/638319.html
- 6 • www.htc.com/uk/support/htc-u11/faq/security/
- 7 • dl4.htc.com/Web_materials/Manual/HTC_U11/US/HTC_U11_US_user_guide_O80.pdf
- 8 • dl4.htc.com/Web_materials/Manual/HTC_10/US/HTC_10_US_user_guide_O80.pdf
- 9
- 10

11 16. HTC has also infringed, and continues to infringe, claims 1, 3-5 and 7 of the '654
12 patent by offering to sell, selling and/or importing the Accused Infringing Devices knowing that
13 the devices are used in practicing asserted claims of the '654 patent and constitute a material part
14 of the claimed mobile telephony devices. Upon receipt of this Complaint, HTC will know that
15 portions of the software that provide the Accused Infringing Devices with the above-described
16 functionality were especially designed and written solely to implement such infringing
17 functionality as described above.

18 17. HTC will have had notice of the '654 Patent since, at the latest, the service of this
19 complaint upon it. HTC will also have been on notice of Uniloc's infringement allegations and
20 theory of infringement since that date of service, and thus will have known that its continued
21 actions would cause the infringement of at least claims 1, 3-5 and 7 of the '654 Patent. If,
22 despite such knowledge, HTC refuses to discontinue its infringing acts, and continues to induce
23 infringement by failing to remove or distinguish what it will know upon receipt of this
24 Complaint to be infringing features of the Accused Infringing Devices or otherwise place a non-
25 infringing limit on their use, such actions will be evidence of HTC's intent to cause infringement
26 of the '654 Patent.

1 18. By the time of trial, HTC will have known and intended (since receiving such
2 notice) that its continued actions would actively induce and contribute to the infringement of
3 claims 1, 3-5 and 7 of the '654 Patent.

4 19. HTC may have infringed the '654 Patent through other software and devices
5 utilizing the same or reasonably similar functionality, including other versions of the Accused
6 Infringing Devices.

7 20. Uniloc has been damaged by HTC's infringement of the '654 Patent.

8 **PRAYER FOR RELIEF**

9 Uniloc requests that the Court enter judgment against HTC:

- 10 (A) declaring that HTC has infringed the '654 Patent;
11 (B) awarding Uniloc its damages suffered as a result of HTC's infringement of the
12 '654 Patent;
13 (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
14 (D) granting Uniloc such further relief as the Court finds appropriate.

15 **DEMAND FOR JURY TRIAL**

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

17 Dated this 30th day of November, 2018.

18 Respectfully submitted,

19 /s/ Al Van Kampen

20 Al Van Kampen, WSBA No. 123670
21 VAN KAMPEN & CROWE PLLC
22 1001 Fourth Avenue, Suite 4050
23 Seattle, WA 98154
24 Tel: (206) 386-7353
25 Fax: (206) 405-2825
26 Email: AVanKampen@VKClaw.com

27 Of Counsel:

Paul J. Hayes (*Pro Hac Vice* will be filed)
Kevin Gannon (*Pro Hac Vice* will be filed)
Aaron Jacobs (*Pro Hac Vice* will be filed)
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110

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