

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 4:17-cv-832
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
LG ELECTRONICS U.S.A., INC.,	§	
LG ELECTRONICS MOBILECOMM	§	
U.S.A., INC. and	§	
LG ELECTRONICS, INC.,	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendants, LG Electronics U.S.A., Inc., LG Electronics Mobilecomm U.S.A., Inc. and LG Electronics, Inc. (together “LG”), 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 USA 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. LG Electronics U.S.A., Inc. (“LGE”) is a Delaware corporation having a regular and established place of business at 2151-2155 Eagle Parkway, Fort Worth, Texas 76177. LGE offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas. LGE may be served with process through its registered agent for service in Texas: United States Corporation Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. LG Electronics Mobilecomm U.S.A., Inc. (“LGEM”) is a California corporation having a regular and established place of business in San Diego, California. LGEM offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas and in the judicial Northern District of Texas. LGEM may be served with process through its registered agent for service in Texas: Corporation Service Company d/b/a CSC-Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. LG Electronics, Inc. (“LG Korea”) is a corporation organized under the laws of Korea with a principal place of business at LG Twin Tower 128, Yeoui-daero, Yeoungdeungpo-gu, Seoul, Korea. LG Korea is in the business of manufacturing and selling electronic goods, including cellular telephones, tablets, laptops and televisions.

JURISDICTION

6. 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 and 1338(a).

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 7,653,508)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,653,508 (“the ’508 Patent”), entitled HUMAN ACTIVITY MONITORING DEVICE that issued on January 26, 2010. A true and correct copy of the ’508 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’508 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.

10. LG manufactures, uses, sells, offers for sale and/or imports into the United States electronic devices, including those designated V10, V20, V30, V30 Plus, X Charge, X Style, X Venture, Tribute, Rebel, Rebel 2, Fiesta, K20 Plus, K20, K10, K8, K7, K4, K3, Phoenix, Aristo, Premier, Optimus Zone, G Vista, G Flex, LG G3, G3 CDMA, G3 S, G3 S Dual, G3 LTE-A, G3 A, G3 Screen, G3 Dual-LTE, G4, G4 Dual, G5, G5 SE, G6, G Flex2, LG G Watch W100, Watch Urbane LTE, Watch Urbane 2nd Edition LTE, Watch Urbane W150, G Watch R W110, G Pad II 8.3 LTE, Stylo 2, Stylo 3, Stylo 3 Plus, Watch Style, Watch Sport, Nexus 5X, Grace, Treasure-GSM and CDMA, Risio, Harmony, Escape, Spree and Lifeband Touch, that are equipped with motion sensors (such as pedometers, gyroscopes and/or accelerometers), processors to detect motion and associated software, such as LG Health, and capable of counting steps or other periodic human motions by monitoring acceleration (together “Accused Infringing Devices”).

11. LG has directly infringed, and continues to directly infringe, one or more claims of the ’508 Patent in the United States during the pendency of the ’508 Patent, including at least claims 1, 3, 6-7, 11, 13, 15-16 and 19 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

12. Should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the ’508 Patent, use of the Accused Infringing Devices would nevertheless

infringe the asserted claims of the '508 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (counting steps or other periodic human motions), in substantially the same way (using components such as pedometers, gyroscopes and accelerometers, processors to detect motion and associated software), to yield substantially the same result (providing a calculation of the distance traveled by monitoring accelerations relative to the dominant axis). LG would thus be liable for direct infringement under the doctrine of equivalents.

13. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3, 6-7, 11, 13, 15-16 and 19 of the '508 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices having the functionality described in this Count. LG's customers who use such devices in accordance with LG's instructions directly infringe claims 1, 3, 6-7, 11, 13, 15-16 and 19 of the '508 Patent in violation of 35 U.S.C. § 271. LG directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:
www.youtube.com/user/LGMobileHQ

LG is thereby liable for infringement of the '508 Patent under 35 U.S.C. § 271(b).

14. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 3, 6-7, 11, 13, 15-16 and 19 of the '508 Patent in this judicial district and elsewhere in the United

States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Infringing Devices, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '508 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. LG will have been on notice of the '508 Patent since, at the latest, the service of this complaint upon LG. By the time of trial, LG will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1, 3, 6-7, 11, 13, 15-16 and 19 of the '508 Patent.

16. LG may have infringed the '508 Patent through other devices and software utilizing the same or reasonably similar functionality, including through the sale and distribution of third party apps that allow a user of the Accused Infringing Devices to count steps or other periodic human motions by monitoring accelerations relative to the dominant axis as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

17. Uniloc has been damaged by LG's infringement of the '508 Patent.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 8,712,723)

18. Uniloc incorporates paragraphs 1-17 above by reference.

19. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,712,723 ("the '723 Patent"), entitled HUMAN ACTIVITY MONITORING DEVICE that issued on April 29, 2014. A true and correct copy of the '723 Patent is attached as Exhibit B hereto.

20. Uniloc USA is the exclusive licensee of the '723 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.

21. LG manufactures, uses, sells, offers for sale and/or imports into the United States the Accused Infringing Devices.

22. LG has directly infringed, and continues to directly infringe, one or more claims of the '723 Patent in the United States during the pendency of the '723 Patent, including at least claims 1, 5-6, 10, 14 and 16-17 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

23. Should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the '723 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the '723 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (counting steps or other periodic human motions), in substantially the same way (using components such as pedometers, gyroscopes, accelerometers, processors to detect motion and associated software), to yield substantially the same result (providing a calculation of the distance traveled when accelerations showing a motion cycle that meets motion criteria is detected). LG would thus be liable for direct infringement under the doctrine of equivalents.

24. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 5-6, 10, 14 and 16-17 of the '723 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices having the functionality described in this Count. LG's customers who use such devices in accordance with LG's instructions directly infringe claims 1, 5-6, 10, 14 and 16-17 of the '723

Patent in violation of 35 U.S.C. § 271. LG directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:
www.youtube.com/user/LGMobileHQ

LG is thereby liable for infringement of the '723 Patent under 35 U.S.C. § 271(b).

25. LG has indirectly infringed, and continues to indirectly infringe, at least claims 1, 5-6, 10, 14 and 16-17 of the '723 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Infringing Devices, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '723 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

26. LG will have been on notice of the '723 Patent since, at the latest, the service of this complaint upon LG. By the time of trial, LG will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1, 5-6, 10, 14 and 16-17 of the '723 Patent.

27. LG may have infringed the '723 Patent through other software and devices utilizing the same or reasonably similar functionality, including through the sale and distribution of third party apps that allow a user of the Accused Infringing Devices to count steps or other periodic human motions by monitoring accelerations to determine when a motion cycle meets motion criteria as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

28. Uniloc has been damaged by LG's infringement of the '723 Patent.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 7,881,902)

29. Uniloc incorporates paragraphs 1-28 above by reference.

30. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,881,902 ("the '902 Patent"), entitled HUMAN ACTIVITY MONITORING DEVICE that issued on April 29, 2014. A true and correct copy of the '902 Patent is attached as Exhibit C hereto.

31. Uniloc USA is the exclusive licensee of the '902 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.

32. LG manufactures, uses, sells, offers for sale and/or imports into the United States the Accused Infringing Devices.

33. LG has directly infringed, and continues to directly infringe one or more claims of the '902 Patent in the United States during the pendency of the '902 Patent, including at least claims 1-4 literally and/or under the doctrine of equivalents, by or through making, using, offering for sale, selling and/or importing the Accused Infringing Devices.

34. Should use of the Accused Infringing Devices be found to not literally infringe the asserted claims of the '902 Patent, use of the Accused Infringing Devices would nevertheless

infringe the asserted claims of the '902 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (detecting motion or other user activity), in substantially the same way (using components such as pedometers, gyroscopes, accelerometers, processors to detect motion and associated software), to yield substantially the same result (detecting motion and when the motion does not have a motion signature of a user activity that the mobile device is configured to monitor, entering a sleep mode). LG would thus be liable for direct infringement under the doctrine of equivalents.

35. LG has indirectly infringed, and continues to indirectly infringe at least claims 1-4 of the '902 Patent in the United States by, among other things, actively inducing the using, offering for sale, selling and/or importing the Accused Infringing Devices having the functionality described in this Count. LG's customers who use such devices in accordance with LG's instructions directly infringe claims 1-4 of the '902 Patent in violation of 35 U.S.C. § 271. LG directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- www.lg.com, including:
www.lg.com/us/support/
- www.lg-dfs.com
- <https://play.google.com/store/apps/>
- www.youtube.com, including:
www.youtube.com/user/LGMobileHQ

LG is thereby liable for infringement of the '902 Patent under 35 U.S.C. § 271(b).

36. LG has indirectly infringed, and continues to indirectly infringe, at least Claims 1-4 of the '723 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Accused Infringing Devices, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '723 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

37. LG will have been on notice of the '902 Patent since, at the latest, the service of this complaint upon LG. By the time of trial, LG will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1-4 of the '902 Patent.

38. LG may have infringed the '902 Patent through other software and devices utilizing the same or reasonably similar functionality, including through the sale and distribution of third party apps that allow a user of the Accused Infringing Devices to count steps or other periodic human motions by monitoring accelerations relative to the dominant axis as described above. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

39. Uniloc has been damaged by LG's infringement of the '902 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against LG as follows:

- (A) declaring that LG has infringed the '508 Patent, the '723 Patent and the '902 Patent;
- (B) awarding Uniloc its damages suffered as a result of LG's infringement of the '508 Patent, the '723 Patent and the '902 Patent;

- (C) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (D) granting Uniloc such further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Date: October 13, 2017.

Respectfully submitted,

/s/ Edward R. Nelson III

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Massachusetts State Bar No. 553285
Application for Admission to be Filed
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