

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

UNILOC USA, INC. and	§	
UNILOC 2017, LLC,	§	
	§	Case No. 3:18-cv-1884
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
BLACKBERRY CORPORATION,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc 2017, LLC (together “Uniloc”), for their complaint against defendant, Blackberry Corporation (“Blackberry”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. is a Texas corporation having a regular and established place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024.
2. Uniloc 2017, LLC is a Delaware corporation having an address at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.
3. Blackberry is a Delaware corporation having a regular and established place of business in Irving, Texas. Blackberry may be served with process through its registered agent for service in Texas: Corporate Creations Network, Inc., 2425 W. Loop South, #200, Houston, Texas 77027.
4. Blackberry makes, uses, offers for sale, sells and/or imports products into the United States for sale to customers in this judicial district and throughout the United States, including those accused of infringement herein.

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 under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(d) and 1400(b). Blackberry has a regular and established place of business, and has committed acts of infringement, in this judicial district.

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 7,020,106)

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

8. Uniloc 2017, LLC is the owner, by assignment, of U.S. Patent No. 7,020,106 (“the ’106 Patent”), entitled RADIO COMMUNICATION SYSTEM, which issued on March 28, 2006. A copy of the ’106 Patent is attached as Exhibit A.

9. Uniloc USA, Inc. is the exclusive licensee of the ’106 Patent, with ownership of substantial rights therein, including the right to exclude others, and to enforce and recover past damages for infringement.

10. The ’106 Patent describes in detail and claims in various ways inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved communication of data therebetween using a plurality of modes and channels.

11. The ’106 Patent describes problems and shortcomings in the then-existing field of communications between portable 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 ’106 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.

12. The inventions claimed in the '106 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 devices by the '106 Patent inventor.

13. The inventions claimed in the '106 Patent represent technological solutions to technological problems. The written description of the '106 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 differ markedly from and improved upon what may have been considered conventional or generic.

14. Blackberry imports, uses, offers for sale and/or sells in the United States numerous electronic devices implementing Bluetooth version 3.0 + HS and above, including the following: BlackBerry Z10, BlackBerry Priv, BlackBerry Motion, BlackBerry KEY2, BlackBerry KEYone, BlackBerry Passport, BlackBerry Z3, BlackBerry Q10, BlackBerry Aurora, BlackBerry Classic, BlackBerry Z30, BlackBerry DTEK60, BlackBerry Q5, BlackBerry Leap, BlackBerry DTEK50, BlackBerry Porsche Design P'9983, BlackBerry Classic Non Camera, BlackBerry Porsche Design P'9982, BlackBerry Z20 and BlackBerry A10 (collectively "Accused Infringing Devices").

15. The Accused Infringing Devices use a first device as a transceiver to transmit information to another Accused Infringing Device at a Basic Rate/Enhanced Data Rate (BR/EDR) in accordance with the Bluetooth version 3.0 + HS or higher specification and the receiving device then transmits information to the master device.

16. In such communications, the BR/EDR radio is used to perform discovery, association, connection establishment and connection maintenance.

17. Once a connection has been established between a pair of Accused Infringing Devices using BR/EDR, the first device can discover whether the second device has a common AMP and cause transmission of data traffic to be moved from BR/EDR to AMP controller(s).

18. The Accused Infringing Products can also communicate wirelessly with each other via an Alternate MAC/PHY (AMP) physical link and using WiFi (such as IEEE 802.11).

19. Blackberry has infringed, and continues to infringe, the '106 Patent in the United States, including claims 15-17, by offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. § 271(a).

20. Blackberry specifically, knowingly and intentionally incorporates into the Accused Infringing Devices components and software that enable the devices to operate automatically as described above to infringe the '106 Patent.

21. In its marketing, promotional and/or instructional materials, including those identified below, Blackberry also specifically and intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to operate in accordance with Bluetooth version 3.0 + HS and above functionality.

22. Blackberry has infringed, and continues to infringe, claims 15-17 of the '106 Patent by actively inducing others to use, offer for sale and sell the Accused Infringing Devices. Blackberry's customers who use those devices in accordance with Blackberry's instructions infringe claims 15-17 of the '106 Patent, in violation of 35 U.S.C. § 271(a). Blackberry intentionally directly and/or indirectly instructs its customers to infringe through training videos,

demonstrations, brochures, installation and user guides, and other instructional and marketing materials, such as those located at one or more of the following:

- <https://us.blackberry.com>
- <https://us.blackberry.com/smartphones/>
- <https://us.blackberry.com/smartphones/dtek50-60-by-blackberry/specifications/>
- <https://blackberrymobile.com/en/>
- <https://blackberrymobile.com/product/blackberry-key2/>
- <https://blackberrymobile.com/us/specifications/keyone/>
- <https://blackberrymobile.com/us/specifications/keytwo/>
- <https://blackberrymobile.com/us/specifications/motion/>
- helpblog.blackberry.com/2011/02/blackberry-bluetooth-pairing/
- <https://help.blackberry.com/en/blackberry-classic/10.31/help/mes1334609214944.html>
- https://help.blackberry.com/en/blackberry-z10/10.3.2/user-guide-pdf/BlackBerry_Z10_Smartphone-User_Guide-1337191904827-10.3.2-en.pdf
- <https://blackberrymobile.com/support/blackberry-keyone/user-guide/>
- <https://www.digitaltrends.com/mobile/blackberry-key2-keyboard-guide/>
- <https://help.blackberry.com/en/dtek50/current/user-guide-pdf/DTEK50-6.0-User-Guide-en.pdf>
- www.youtube.com
- www.youtube.com/user/blackberry/
- www.youtube.com/user/blackberrysupport
- www.youtube.com/user/BlackBerryDev
- www.youtube.com/watch?v=VNFmv6_FQZk
- www.youtube.com/watch?v=ft9Auy3PucY

- www.youtube.com/watch?v=8pQ9thxxNhM
- www.youtube.com/watch?v=vFu95IU2LxI
- www.youtube.com/watch?v=mp1woZ29Pqo
- www.youtube.com/watch?v=C3LcSKhHReo
- www.youtube.com/watch?v=OJQpday9ZGw
- www.youtube.com/watch?v=SmJqXzFPqfk
- www.youtube.com/watch?v=nYDETqx5WJ8
- www.youtube.com/watch?v=RUMWlw1ZFdC
- www.blackberry.com/kb/articleDetail?Number=000004010
- www.blackberry.com/kb/articleDetail?Number=000029616
- www.blackberry.com/2013/bluetooth-blackberry-z10/
- www.helplog.blackberry.com/2011/02/blackberry-bluetooth-pairing/

Blackberry is thereby liable for infringement of the '106 Patent under 35 U.S.C. § 271(b).

23. Blackberry has also infringed, and continues to infringe, claims 15-17 of the '106 patent by offering to sell, selling and/or importing the Accused Infringing Devices which devices are used in practicing the processes, or using the systems, of the '106 patent, and constitute a material part of the invention. Blackberry knows portions of the Accused Infringing Devices to be especially made or especially adapted for use in infringement of the '106 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Blackberry is thereby liable for infringement of the '106 Patent under 35 U.S.C. § 271(c).

24. Blackberry has had knowledge of the '106 Patent since, at the latest, the service of this complaint upon it. Blackberry has also been on notice of Uniloc's infringement allegations and theory of infringement since that date of service, and thus has known that its continued

actions would induce and contribute to the infringement of claims of the '106 Patent. Despite that, and as further evidence of its intent, Blackberry has refused to discontinue its infringing acts and has also induced infringement by failing to remove or distinguish infringing features of the Accused Infringing Devices or otherwise place a non-infringing limit on their use.

25. By the time of trial, Blackberry will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 15-17 of the '106 Patent.

26. Blackberry may have infringed the '106 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Products.

27. Uniloc has been damaged by Blackberry's infringement of the '106 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Blackberry:

- (A) declaring that Blackberry has infringed the '106 Patent;
- (B) awarding Uniloc its damages suffered as a result of Blackberry's infringement of the '106 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

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

Date: July 23, 2018.

Respectfully submitted,

/s/ Edward R. Nelson III

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