

**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-1886
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. 7,167,487)

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

8. Uniloc 2017, LLC is the owner, by assignment, of U.S. Patent No. 7,167,487 (“the ’487 Patent”), entitled NETWORK WITH LOGIC CHANNELS AND TRANSPORT CHANNELS, which issued on January 23, 2007. A copy of the ’487 Patent is attached as Exhibit A.

9. Uniloc USA, Inc. is the exclusive licensee of the ’487 Patent, with ownership of substantial rights therein, including the right to exclude others, and to enforce and recover past damages for infringement.

10. The ’487 Patent describes in detail and claims in various ways inventions in wireless networks having logic channels and transport channels developed by Koninklijke Philips Electronics N.V. for improved transmission of packets using a selection algorithm for determining, *inter alia*, transport format combinations.

11. The ’487 Patent describes problems and shortcomings in the then-existing field of communications in wireless networks 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 '487 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 '487 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 systems and devices by the '487 Patent inventor.

13. The inventions claimed in the '487 Patent represent technological solutions to technological problems. The written description of the '487 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 sells in the United States electronic devices that operate in compliance with HSPA/HSPA+ standardized in UMTS 3GPP Release 6 and above, including those designated: BlackBerry Motion, BlackBerry Aurora, BlackBerry KEY2, BlackBerry KEYOne, BlackBerry DTEK60, BlackBerry DTEK50, BlackBerry Priv, BlackBerry Leap, BlackBerry Classic Non Camera, BlackBerry Porsche Design P'9983, BlackBerry Passport, BlackBerry Classic, BlackBerry Z3, BlackBerry Porsche Design P'9982, BlackBerry Z30, BlackBerry 9720, BlackBerry Q5, BlackBerry Z10, BlackBerry Q10, BlackBerry 4G LTE Playbook, BlackBerry Curve 9320, BlackBerry Curve 9380, BlackBerry Bold 9790, BlackBerry Porsche Design P'9981, BlackBerry Curve 9360, BlackBerry Torch 9810, BlackBerry Torch 9860, BlackBerry Torch 9850, BlackBerry Bold Touch 9900,

BlackBerry Bold Touch 9930, BlackBerry 4G Playbook HSPA+, BlackBerry Bold 9780, BlackBerry Torch 9800, BlackBerry Pearl 3G 9105, BlackBerry Pearl 3G 9100 and BlackBerry Bold 9650 (collectively the “Accused Infringing Devices”).

15. The Accused Infringing Devices implement networks having a first plurality of logic channels and a second plurality of transport channels associated by the MAC layer for sending and receiving packet units in accordance with HSPA/HSPA+ standardized in UMTS 3GPP Release 6 and above using a minimum bit rate criteria.

16. Blackberry has infringed, and continues to infringe, claims of the '487 Patent in the United States, including claims 1, 3-6 and 12, by making, using, offering for sale, selling and/or importing the Accused Infringing Devices in violation of 35 U.S.C. § 271(a).

17. 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 '487 Patent.

18. 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 HSPA/HSPA+ standardized in UMTS 3GPP Release 6 and above functionality.

19. Blackberry has infringed, and continues to infringe, claims 1, 3-6 and 12 of the '487 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 1, 3-6 and 12 of the '487 Patent, in violation of 35 U.S.C. § 271(a). Blackberry intentionally 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/us/>
- <https://blackberrymobile.com/product/blackberry-key2/>
- <https://blackberrymobile.com/us/specifications/keyone/>
- <https://blackberrymobile.com/us/specifications/keytwo/>
- <https://blackberrymobile.com/us/specifications/motion/>
- 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/blackberry/support
- www.youtube.com/user/BlackBerryDev
- www.youtube.com/watch?v=zi0A5gozwMk
- www.youtube.com/watch?v=mp1woZ29Pqo
- www.youtube.com/watch?v=u4w8xM7wiBk
- www.youtube.com/watch?v=xRe75eE7124

- www.youtube.com/watch?v=li9TCC3MUHU
- www.youtube.com/watch?v=QH5Mdc_w-9U
- www.youtube.com/watch?v=ybFaWCyM25Q
- www.youtube.com/watch?v=udOwzgn67PI
- www.youtube.com/watch?v=fggNgGHDkMI
- www.youtube.com/watch?v=IHc3TY5n8sI
- www.youtube.com/watch?v=HAxXcNgMf1U
- www.youtube.com/watch?v=PtpskW9AZLQ

Blackberry is thereby liable for infringement of the '487 Patent under 35 U.S.C. § 271(b).

20. Blackberry has also infringed, and continues to infringe, at least claims 1, 3-6 and 12 of the '487 patent by offering to sell, selling and/or importing the Accused Infringing Devices knowing that the devices are used in practicing the processes, or using the systems, of the '487 patent, and constitute a material part of the invention. Blackberry knows portions of the Accused Infringing Devices are especially made or especially adapted for use as described above to infringe the '487 patent, and not a staple article, or a commodity of commerce suitable for substantial noninfringing use. Blackberry is thereby liable for infringement of the '487 Patent under 35 U.S.C. § 271(c).

21. Blackberry will have been on notice of the '487 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 '487 Patent. Despite that knowledge, and as further evidence of its intent, Blackberry has refused to discontinue its infringing acts and has also induced infringement by failing to remove the

infringing functionality from the Accused Infringing Devices or otherwise place a non-infringing limit on their use.

22. 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 1, 3-6 and 12 of the '487 Patent.

23. Blackberry may have infringed the '487 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

24. Uniloc has been damaged by Blackberry's infringement of the '487 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Blackberry:

- (A) declaring that Blackberry has infringed the '487 Patent;
- (B) awarding Uniloc its damages suffered as a result of Blackberry's infringement of the '487 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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