

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

UNILOC 2017 LLC, Plaintiff, v. BLACKBERRY CORPORATION, Defendant.	Case No. PATENT CASE JURY TRIAL DEMANDED
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its complaint against defendant, Blackberry Corporation (“Blackberry”), alleges:

THE PARTIES

1. Uniloc 2017 LLC 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. 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.

3. Blackberry makes, uses, offers for sale, sells, and imports products into the United States for sale to customers in this judicial district, including those accused of infringement.

JURISDICTION

4. 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).

CLAIM FOR PATENT INFRINGEMENT

5. Uniloc is the owner, by assignment, of U.S. Patent No. 6,868,079 (“the ’079 Patent”), entitled RADIO COMMUNICATION SYSTEM WITH REQUEST RE-TRANSMISSION UNTIL ACKNOWLEDGED, which issued March 15, 2005. A copy of the ’079 Patent is attached as Exhibit A.

6. The ’079 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 by a primary device allocating time slots to secondary devices and the secondary devices using their respective allocated time slots to respond to the primary device until the primary device sends an acknowledgement to the secondary device.

7. The ’079 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 those problems and shortcomings.

8. The written description of the ’079 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 combination of claim elements differed markedly from and improved upon what may have been considered conventional or generic.

9. Blackberry imports, uses, offers for sale, and sells electronic devices that operate in accordance with the LTE standards, including: BlackBerry Motion, BlackBerry Aurora, BlackBerry Keyone, Blackberry Key2, BlackBerry DTEK60, BlackBerry DTEK50, BlackBerry

Priv, BlackBerry Leap, BlackBerry Classic Non Camera, BlackBerry Porsche Design P'9983, BlackBerry Passport, BlackBerry Classic, BlackBerry Porsche Design P'9982, BlackBerry Z30, , BlackBerry Q5, BlackBerry Z10, BlackBerry Q10 and BlackBerry 4G LTE Playbook (collectively "Accused Infringing Devices").

10. The Accused Infringing Devices are electronic devices that operate in compliance with the LTE Standards where one device is a primary device that allocates time slots to one or more secondary devices and where the secondary devices may respond with a request for services.

11. The Accused Infringing Devices include LTE capability and use a physical uplink control channel (PUCCH) to transmit between base stations and devices in FDD or TDD mode, both of which modes organize transmissions into radio frames of 10 ms duration.

12. Using PUCCH format 1, for example, a secondary device transmits scheduling request (SR) information to the primary device in respective time slots every n th sub-frame. For example, the SR may be sent twice in consecutive .5ms subframe time slots. This is repeated until the primary device transmits a resource allocation acknowledgement. The primary device detects the incoming SR by the presence of a certain energy level on the PUCCH.

13. The Accused Infringing Devices are used in communications systems wherein one device is a primary device that allocates time slots to one or more secondary devices in which the secondary device(s) may request services from the primary device.

14. Blackberry has infringed, and continues to infringe, claims of the '079 Patent, including at least claims 17-18, by making, using, offering for sale, selling, and importing the Accused Infringing Devices.

15. Blackberry 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 '079 Patent.

16. In its marketing, promotional, and instructional materials, including those identified below, Blackberry intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to send and receive data packets in accordance with LTE functionality.

17. Blackberry has infringed, and continues to infringe, at least claim 18 of the '079 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 17-18 of the '079 Patent. 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:

- <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/product/blackberry-keyone/>
- <https://blackberrymobile.com/product/blackberry-motion/>
- <https://blackberrymobile.com/us/specifications/keyone/>
- <https://blackberrymobile.com/us/specifications/keytwo/>
- <https://blackberrymobile.com/us/specifications/motion/>

- <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=PtpskW9AZLQ
- www.youtube.com/watch?v=VNFmv6_FQZk

18. Blackberry has also infringed, and continues to infringe, at least claim 18 of the '079 patent by offering to sell, selling, and importing the Accused Infringing Devices knowing that the devices are used in practicing the processes, or using the systems, of the '079 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 '079 patent, and not a staple article, or a commodity of commerce suitable for substantial noninfringing use.

19. Blackberry will have been on notice of the '079 Patent since, at the latest, the service of this complaint upon it in 3:18-cv-01883. Blackberry has also been on notice of Uniloc's infringement allegations and theory of infringement since that date, and thus has known that its continued actions would induce and contribute to the infringement of claims of the '079

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 its use.

20. 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 at least claims 17-18 of the '079 Patent by others, including its customers.

21. Blackberry may have infringed the '079 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

22. Uniloc has been damaged by Blackberry's infringement of the '079 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Blackberry:

- (A) declaring that Blackberry has infringed the '079 Patent;
- (B) awarding Uniloc its damages suffered as a result of Blackberry's infringement of the '079 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: November 17, 2018

Respectfully submitted,

/s/ Aaron Jacobs

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