

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

	§	
UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 6:16-cv-101
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
UNIFY INC.,	§	
	§	
Defendant.	§	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 defendant, Unify Inc. (“Unify”), 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 also maintains a placed 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. Uniloc Luxembourg owns a number of patents in the field of unified telecommunications. Uniloc’s technologies enable unified telecommunication clients to establish and use collaborative VoIP text, media, audio and video communication solutions.

Uniloc's technologies are used in several markets, including unified communications and enterprise business VoIP telephony.

4. Upon information and belief, Unify is a Texas corporation doing business in Texas at 1630 Corporate Court, Irving, Texas 75038 and in the judicial Eastern District of Texas. Unify may be served with process through its registered agent.

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 pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Unify is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. Unify is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, and (B) regularly doing or soliciting business at 1630 Corporate Court, Irving, Texas 75038 and (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,571,194)

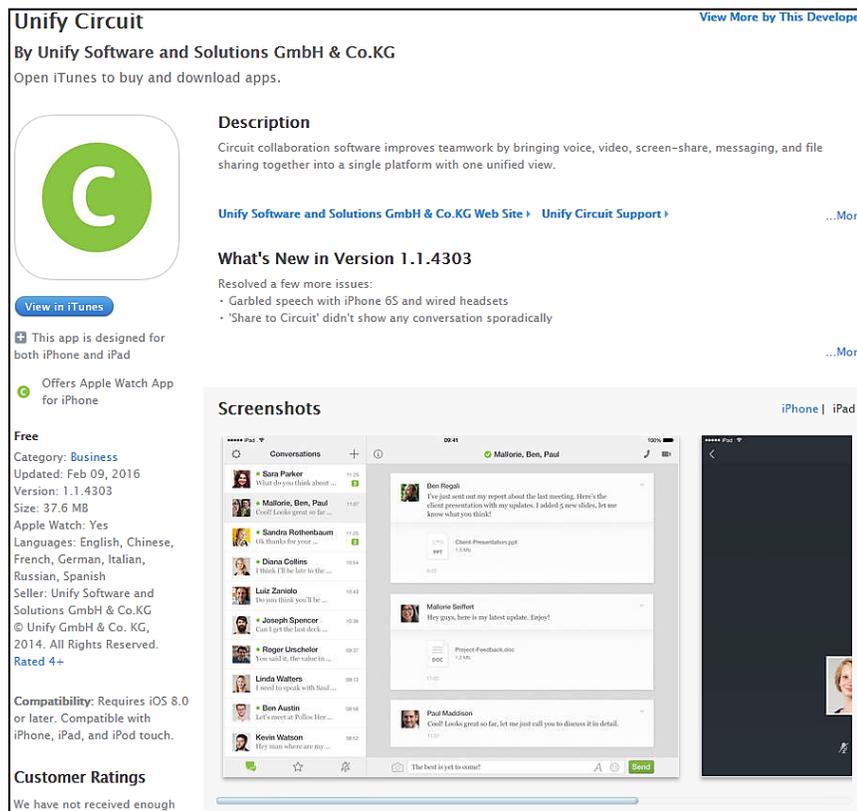
8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 ("the '194 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE

CALL that issued on October 29, 2013. A true and correct copy of the '194 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '194 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.

11. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution, and more specifically, the Unify System's instant messaging and conference call capabilities.



12. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and business collaboration solution, including presence.

Presence overview

Last updated: December 30, 2015

The presence or availability statuses in Circuit are displayed as:

-  - the person is online.
-  - the person's Circuit devices have been idle for a predefined period of time and Circuit has automatically changed their status to "away".
-  - the person has enabled **Snooze notifications** which temporarily disables all notifications for a specific period of time or for the entire day and sets the presence status to "Do not disturb".
-  - the person has signed out and is offline, and cannot be reached via Circuit.

You can see your presence status icon:

- On the web client, in the upper-right corner of the header, left of your name.
- On the iOS Mobile client, after you tap , below your name.

To see the presence availability of other people in the conversation:

- On the web client, navigate to **Details**, then **Participants** of the conversation, and see the icon left of the participants' name.
- On the iOS mobile client, tap  and scroll down to the Participants area to see the icon left of the participants' name.

Note:
In order to optimize the performance, we do not display the presence status of all the participants, for conversations that have more than 50 members.
In addition, the green dot shown in the conversation selector represents the persons that are currently online.

13. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution.

Starting a conference (Mobile client)

Last updated: December 30, 2015

You can quickly start a conference with other participants while in a group conversation.

1. Start a new group conversation or select an existing one from the conversation selector list.
2. Tap the conference icon .
- The conference session starts and is made available for joining, and all participants will hear a notification sound.
On the invited participant's device, the message **Session started** will be displayed under the conversation title in the conversation selector.
The number of participants is displayed beneath the conversation title.
3. If you want to dial out to people rather than wait for them to join:
 - a. with 10 or less invited participants, click **Ring all**
 - b. in a larger conference (more than 10 participants), the button **Ring all** will not be displayed, since dialing everyone out can cause a lot of annoyance.
4. To leave an active conference, tap **Leave**.
5. To rejoin an active conference you left, swipe again when prompted.

14. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution.

Making a voice call

Last updated: December 30, 2015

While you are in a private or group conversation, you can make a voice call, video call or screen share call to other participants at any time. When you start a video call or a screen share call, Circuit automatically launches a voice call (with additional video or screen sharing functionality).

1. Search for a person's name, conversation title, text message, participant or filename.
 - a. In the Search field, enter the first letters of the name or item you are looking for, and select a result from the selector list. The more letters you type, the more accurate the search result will be. On the web and iOS clients you can use the Filter by categories to narrow and refine your search. You can filter by: All, Conversations, Sent by, People, Members, and Files.
 - OR
 - b. Select an existing conversation from the list in the conversation selector (pane on the left).
2. Click or tap .

The screen changes, displaying the outgoing call status both in the conversation header (pane on the right) and in the conversation selector (pane on the left). A call bar appears at the bottom of the conversation header, and you'll hear ringing until the person answers.

On the web client, if you cannot hear the other person or they don't hear you, make sure that your browser's media settings are configured to allow Circuit to access your camera and microphone, as described in [Testing my camera and microphone?](#)
3. If the called person answers, the screen changes again, displaying the ongoing active call.
4. To end the call, click or tap .

15. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution.

Starting a group video call

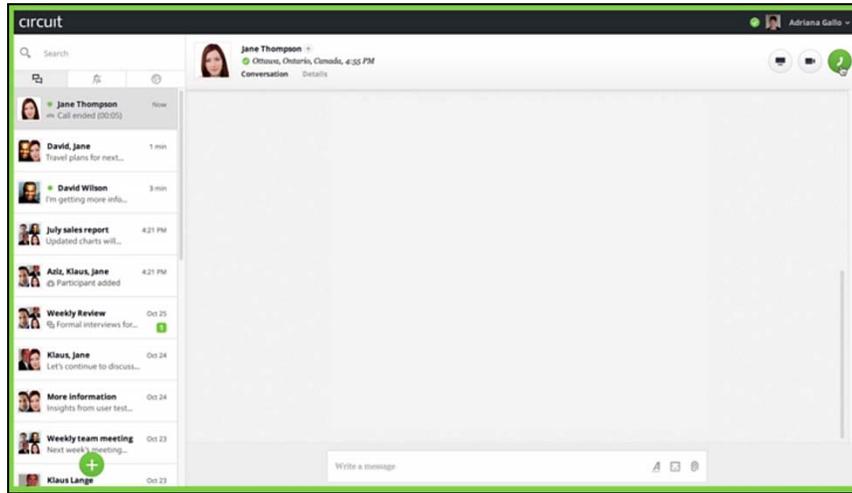
Last updated: December 30, 2015

1. Select the conversation with the contacts you are looking for, or search for it by entering a name into the Search field. If you have not started a conversation with the contacts you want to have a video call with, follow the steps as described in Starting a group conversation.
2. In the group conversation header, click or tap .

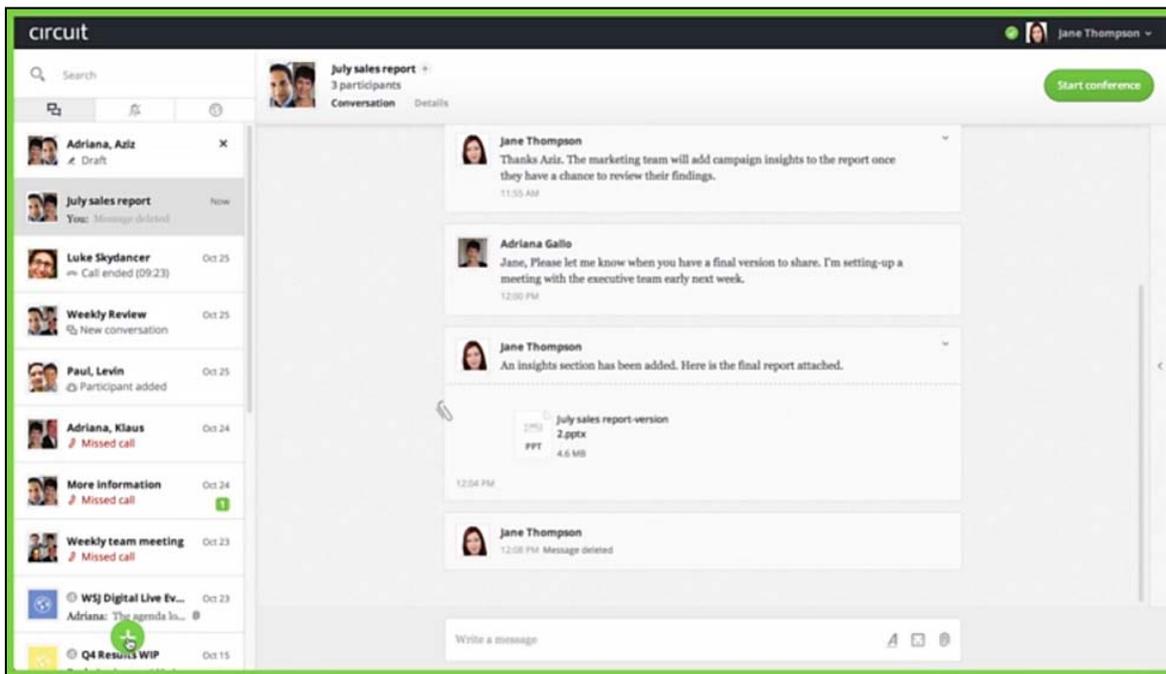
All participants will be called to participate in the call, unless they are signed out (offline) or have snoozed (busy) their notifications. The screen changes, displaying the outgoing call status. A call bar appears at the bottom of the conversation header, and you'll hear ringing until the first contact answers.

If you cannot hear the other person or they don't hear you, make sure that your browser's media settings are configured to allow Circuit to access your camera and microphone, as described in [Testing my camera and microphone.](#)
3. If one of the called contacts answers, the screen changes again, displaying the ongoing active group video call.
4. To end the call, click or tap .

16. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution.



17. Upon information and belief, the following describes, at least in part, the Unify Circuit unified communications and/or business collaboration solution.



18. Unify has directly infringed, and continues to directly infringe one or more claims of the '194 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 3, 4, and 5, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Unify Circuit unified communications and business collaboration solution, such as, but not limited to, Circuit Team, Professional, and Enterprise product packages, as well as service applications or features such as the Conversation, instant messaging (IM), presence, voice calling, video calling, conference calling and multimedia conference features, and supporting software (*e.g.*, Circuit mobile app) and hardware such as servers and telephony connectors (*e.g.*, UTC and ATC).

19. In addition, should Unify's products be found to not literally infringe the asserted claims of the '194 Patent, Unify's accused products would nevertheless infringe the asserted claims of the '194 Patent. More specifically, the Unify accused products perform substantially the same function (contains instructions for implementing an instant message to voice call capability), in substantially the same way (comprising computer readable instructions contained on or loaded into non-transitory memory), to yield substantially the same result (effecting an instant message to voice conference call). Unify would thus be liable for direct infringement under the doctrine of equivalents.

20. Unify may have infringed the '194 Patent through other software utilizing the same or reasonably similar functionality, including other versions of instant message to voice conference initiation or implementations of the hardware/software. Uniloc reserves the right to discover and pursue all such additional infringing software. For the avoidance of doubt, the Unify Circuit client hardware/software is identified for exemplary purposes and in no way limits the discovery and infringement allegations against Unify concerning other hardware/software

that incorporates the same or reasonably similar instant messaging and conference call functionality.

21. Unify has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 3, 4, and 5 of the '194 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale selling, or importation of at least Unify's Circuit unified communications and business collaboration solution. Unify's enterprise customers who purchase systems and components thereof and operate such systems and components in accordance with Unify's instructions directly infringe one or more claims of the '194 Patent in violation of 35 U.S.C § 271. Unify instructs its customers through live and web demonstrations, training videos, brochures and administration, maintenance, installation and user guides, such as those located at the following:

<https://www.youtube.com/watch?v=XivHi3emTOg>

https://www.youtube.com/watch?v=kPIRcV0ps2w&list=PLypFxCtOYzfee5bH_HgTM4xqIMdaKpUcC&index=2

<https://www.circuit.com/unifyportalfaqdetail?category=15675&categoryName=&articleId=36449&structureId=11185>

<https://www.circuit.com/learn>

22. Unify has indirectly infringed and continues to indirectly infringe at least Claims 1, 2, 3, 4, and 5 of the '194 Patent, by among other things, contributing to the direct infringement of others, including without limitation enterprise customers of its Unify Circuit solutions, by making, offering to sell, or selling, in the United States, or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or

especially adapted for use in infringement of the '194 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

23. For example, the Unify software module that allows it enterprise clients to initiate a conference call from an individual or group instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention, and upon information and belief, is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Unify is liable for infringement pursuant to 35 U.S.C § 271(c).

24. Unify will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, Unify will thus have known and intended (since receiving such notice), that its continued actions would actively induce and contribute to actual infringement of at least Claims 1, 2, 3, 4, and 5 of the '194 Patent.

25. Uniloc has been damaged, reparably and irreparably, by Unify's infringement of the '194 Patent and such damage will continue unless and until Unify is enjoined.

PRAYER FOR RELIEF

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

- (A) that Unify has infringed the '194 Patent;
- (B) awarding Uniloc its damages suffered as a result of Unify's infringement of the '194 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining Unify, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '194 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and

(E) granting Uniloc such other and 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.

Dated: March 4, 2016

Respectfully submitted,

/s/ Craig Tadlock

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