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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 1:17-cv-3962
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
EXCLUSIVE GROUP LLC	§	
d/b/a BINATONE NORTH AMERICA,	§	
	§	
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, Exclusive Group LLC d/b/a Binatone North America (“Binatone”), 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 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, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Exclusive Group LLC is an Indiana corporation having a principal place of business at 11550 North Meridian Street, Suite 525, Carmel, Indiana 46032. Binatone offers, *inter alia*,

Hubble Connected products for sale, including those accused herein of infringement, through the hubbleconnected.com eCommerce platform.

**JURISDICTION AND VENUE**

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

5. This Court has personal jurisdiction over Binatone as Binatone's principal place of business is located, and Binatone has committed acts of infringement, within this judicial district and elsewhere in the United States.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b).

**COUNT I**  
(INFRINGEMENT OF U.S. PATENT NO. 6,216,158)

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

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,216,158 ("the '158 Patent"), entitled SYSTEM AND METHOD USING A PALM SIZED COMPUTER TO CONTROL NETWORK DEVICES, which issued April 10, 2001. A true and correct copy of the '158 Patent is attached as **Exhibit A** hereto.

9. Uniloc USA is the exclusive licensee of the '158 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. Binatone manufactures, uses, sells, offers for sale and/or imports into the United States wireless devices, including but not limited to, Smart Nursery 7 portable Wi-Fi Video Baby Monitor, Smart Nursery Dream Machine, Smart Nursery Humidifier+, Smart Nursery Cam Portable Wi-Fi Video Baby Camera, Smart Nursery Baby&Me Scale, Smart Nursery Alert Sensor,

Motorola Blink 1, Motorola MBP845 Connect, MBP855 Connect, MBP667 Connect, MBP662 Connect, MBP483, MBP482, MBP481, MBP481-2, MBP48, MBP36XL, MBP854 Connect, MBP854 Connect-2, MBP853 Connect, MBP853 Connect-2, Motorola MBP88 Connect, MBP67 Connect, MBP85 Connect, MBP38S-2, MBP36, MBP35S, MBP33XL, MBP33S, MBP33SBU, Motorola Focus86, Focus86T, Focus73, Focus66, Focus66-BLK2, Focus50-W, Scout, Orbit and VerveLife products and associated software such as Hubble for Motorola Monitors, Motorola Hubble Home, Hubble Connect for Smart Nursery and Hubble Connected for VerveLife (“Accused Infringing Products”)

11. Binatone has directly infringed, and continues to directly infringe, one or more claims of the ’158 Patent in the United States during the pendency of the ’158 Patent, including at least claims 1-2, 6, 8, 14 and 20 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 ’158 Patent, use of the Accused Infringing Devices would nevertheless infringe the asserted claims of the ’158 Patent. More specifically, the Accused Infringing Devices perform substantially the same function (remotely controlling a device over a wireless connection), in substantially the same way (using wireless commands to locate and control the other device), to yield substantially the same result (wireless control of the second device by the first device). Binatone would thus be liable for direct infringement under the doctrine of equivalents.

13. Binatone has indirectly infringed, and continues to indirectly infringe, at least claims 1-2, 6, 8, 14 and 20 of the ’158 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. Binatone’s customers who use such devices in

accordance with Binatone's instructions directly infringe claims 1-2, 6, 8, 14 and 20 of the '158 Patent in violation of 35 U.S.C. § 271. Binatone 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.binatoneglobal.com](http://www.binatoneglobal.com)

<https://hubbleconnected.com>

<https://app.hubbleconnected.com>

[www.hubbleconnected.support/](http://www.hubbleconnected.support/)

[www.motorolastore.com](http://www.motorolastore.com), including:

[www.motorolastore.com/baby-monitors](http://www.motorolastore.com/baby-monitors)

<https://play.google.com/store/apps>

<https://itunes.apple.com/us/app/>

[www.youtube.com](http://www.youtube.com), including:

[www.youtube.com/watch?v=R8TYTMXuE4M](http://www.youtube.com/watch?v=R8TYTMXuE4M)

[www.youtube.com/watch?v=gZfP-Mevhmo](http://www.youtube.com/watch?v=gZfP-Mevhmo)

[www.youtube.com/watch?v=dHQqRWDR73M](http://www.youtube.com/watch?v=dHQqRWDR73M)

Binatone is thereby liable for infringement of the '158 Patent under 35 U.S.C. § 271(b).

14. Binatone has indirectly infringed, and continues to indirectly infringe, at least claims 1-2, 6, 8, 14 and 20 of the '158 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 '158 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. Binatone will have been on notice of the '158 Patent since, at the latest, the service of this complaint upon Binatone. By the time of trial, Binatone will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of claims 1-2, 6, 8, 14 and 20 of the '158 Patent.

16. Binatone may have infringed the '158 Patent through other devices and software utilizing the same or reasonably similar functionality. Uniloc reserves the right to discover and pursue all such additional infringing software and devices.

17. Uniloc has been damaged by Binatone's infringement of the '158 Patent.

#### **PRAYER FOR RELIEF**

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

- (A) declaring that Binatone has infringed the '158 Patent;
- (B) awarding Uniloc its damages suffered as a result of Binatone's infringement of the '158 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 27, 2017

Respectfully submitted,

*/s/ James M. Hinshaw*

James M. Hinshaw, #16744-49

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