

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GESTURE TECHNOLOGY PARTNERS,
LLC,

Plaintiff,

v.

MOTOROLA MOBILITY LLC,

Defendants.

CIVIL ACTION NO.

ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Gesture Technology Partners, LLC (“GTP” or “Plaintiff”) files this original complaint against Motorola Mobility LLC (“Motorola” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. Gesture Technology Partners, LLC is a limited liability company filed under the laws of the State of Ohio, with its principal place of business at 2815 Joelle Drive, Toledo, OH 43617.
2. Defendant Motorola Mobility LLC is a Delaware limited liability company, with its principal place of business at 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, Illinois 60654.
3. Motorola may be served through its registered agent, The Corporation Trust Company at Corporation Trust Center, 1209 Orange St., Wilmington, Delaware, 19801.
4. Motorola, an indirect subsidiary of Lenovo Group Limited, is involved in the development and sale of hardware and software relating to mobile products, such as smartphones.

5. Motorola designs, manufactures, makes, uses, imports into the United States, sells, and/or offers for sale in the United States smartphones. Motorola's smartphones are marketed, used, offered for sale, and/or sold throughout the United States, including within this district.

JURISDICTION AND VENUE

6. GTP repeats and re-alleges the allegations in Paragraphs 1-5 as though fully set forth in their entirety.

7. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(c).

9. This Court has personal jurisdiction over Motorola pursuant to due process because, *inter alia*, (i) Motorola has done and continues to do business in Illinois; (ii) Motorola has committed and continues to commit acts of patent infringement in the State of Illinois, including making, using, offering to sell, and/or selling accused products in Illinois, and/or importing accused products into Illinois, including by Internet sales and/or sales via retail and wholesale stores, inducing others to commit acts of patent infringement in Illinois, and/or committing at least a portion of any other infringements alleged herein in Illinois; and (iii) Motorola regularly places its products within the stream of commerce—directly, through subsidiaries, or through third parties—with the expectation and knowledge that such products will be shipped to, sold, or used in Illinois and elsewhere in the United States. Thus, Motorola has established minimum contacts within Illinois and purposefully availed itself of the benefits of Illinois, and the exercise of personal jurisdiction over Motorola would not offend traditional notions of fair play and substantial justice.

10. Venue is proper in this district as to Motorola under 28 U.S.C. § 1400(b). Venue is further proper as to Motorola because it has committed and continues to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by Internet sales and/or sales via retail and wholesale stores, and inducing others to commit acts of patent infringement in this district.

11. Furthermore, Motorola has a regular and established place of business in this district, including at least at 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, Illinois, 60654.

THE TECHNOLOGY

12. GTP repeats and re-alleges the allegations in Paragraphs 1-11 as though fully set forth in their entirety.

13. GTP was founded in 2013 by Dr. Timothy Pryor, the sole inventor of the four Asserted Patents. He currently resides in Toledo, Ohio. Dr. Pryor received a B.S. in Engineering Physics from Johns Hopkins University in 1962, where he was also a member of the Army Reserve Officer in Training (ROTC) program. Upon graduation, he was commissioned as a Second Lieutenant in the United States Army. Dr. Pryor continued his education, obtaining an M.S. in Physics from the University of Illinois (1964) and a Ph.D. in Mechanical Engineering from the University of Windsor (1972).

14. Dr. Pryor rose to the rank of Captain in the U.S. Army before his honorable discharge in 1967. Dr. Pryor served at the U.S. Army Aberdeen Proving Ground and in Italy, commanding missile teams supporting the Italian armed forces on a NATO anti-aircraft missile site, charged with guarding nuclear warheads and providing technical assistance to NATO.

15. Dr. Pryor is a named inventor on over 200 patents and patent applications. For the past four decades, he has been a pioneer in laser sensing technology, motion sensing technology, machine vision technology and camera-based interactive technology.

16. Since the 1970's, Dr. Pryor has founded and led three other companies: two small operating companies in the automotive parts inspection and robotics businesses, one company that developed new forms of vehicle instrument panel controls, and co-founded another company that utilized camera-based sensors for physical therapy. Dr. Pryor is responsible for a significant amount of the research and development for the technologies at these companies.

17. The patents-in-suit, U.S. Patent Nos. 8,194,924 (the "924 patent"), 7,933,431 (the "431 patent"), 8,878,949 (the "949 patent"), and 8,553,079 (the "079 patent") (collectively, the "Asserted Patents"), are generally directed to innovations in using mobile phone cameras to assist a user to interact with their smartphone, including, for example, but not limited to unlocking their phone, taking and using photos or videos, and providing other functions.

18. Dr. Pryor conceived of the inventions embodied in the Asserted Patents in the mid-to late-1990s, when he was working on a variety of different projects related to imaging and computer control. Dr. Pryor describes the process as a brainstorm that led to several breakthrough moments, ultimately resulting in the Asserted Patents.

THE ACCUSED PRODUCTS

19. GTP repeats and re-alleges the allegations in Paragraphs 1-18 as though fully set forth in their entirety.

20. Motorola infringed the asserted patents by making, using, selling, offering to sell, and importing its smartphones and tablets including, but not limited to the Motorola One Fusion+, the Motorola One 5G, the Motorola One Zoom, the Motorola One Action, the Motorola One

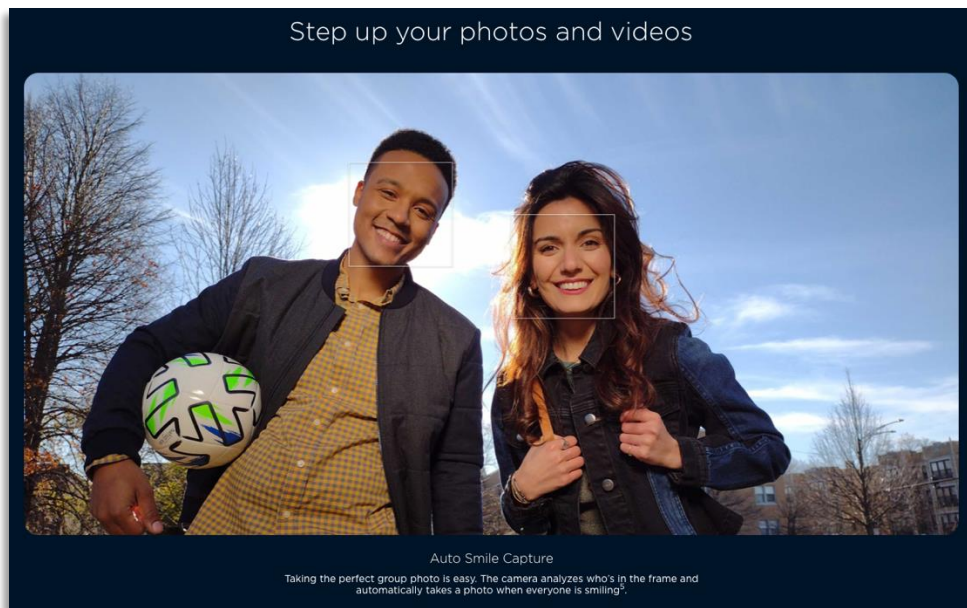
Hyper, the Motorola G Stylus, the Motorola G Power, the Motorola G Fast, and the Motorola E (collectively the “Accused Products”).

EXAMPLES OF MOTOROLA’S MARKETING OF THE FEATURES

21. The Accused Products have features including, but not limited to, at least the following: Auto Smile Capture, Shot Optimization, Smart Composition, Portrait Mode, Cutout, Live Filter, Best Shot, Google Lens Integration, AR Sticker, Electronic Image Stabilization, Face Beauty, Attentive Display, Group Selfie, Gesture Selfie, and facial recognition (the “Features”).

22. The Features drive the popularity and sales of the Accused Products.

23. For example, Motorola has marketed the Accused Products using Auto Smile Capture to automatically take photos when everyone in the frame is smiling, as described in the following screenshot from Motorola’s website:¹



¹ Motorola Electronics Co., Ltd., *moto g Power*, available at <https://www.motorola.com/us/smartphones-moto-g-power-gen-2/p> (last accessed February 7, 2022).

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