

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

GESTURE TECHNOLOGY PARTNERS,
LLC,

Plaintiff,

v.

LG ELECTRONICS INC., AND LG
ELECTRONICS U.S.A., INC.,

Defendant.

CIVIL ACTION NO. 6:21-cv-00123

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 LG Electronics Inc. (“LGE”), and LG Electronics U.S.A., Inc. (“LG USA”) (collectively “LG”) 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, Ohio 43617.

2. Defendant LG Electronics Inc. is a corporation organized and existing under the laws of the Republic of Korea. It has its principal place of business at LG Twin Towers, 128 Yeouidaero, Yeongdungpo-gu, Seoul, South Korea. LGE designs, manufactures, makes, uses, imports into the United States, sells, and/or offers for sale in the United States LGE smartphones

and tablets. LGE's smartphones and tablets are marketed, used, offered for sale, and/or sold throughout the United States, including within this district.

3. Defendant LG Electronics U.S.A., Inc. is a corporation organized under the laws of the State of Delaware. It has a principal place of business at 1000 Sylvan Avenue Englewood Cliffs, New Jersey 07632. LG USA is a wholly owned subsidiary of LGE and oversees domestic sales and distribution of LG's consumer electronics products, including the products accused of infringement in this case.

JURISDICTION AND VENUE

4. GTP repeats and re-alleges the allegations in Paragraphs 1-3 as though fully set forth in their entirety.

5. 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).

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

7. LG is subject to this Court's specific and general personal jurisdiction due at least to LG's substantial business in this forum, including (i) at least a portion of the infringements alleged herein; or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

8. Specifically, LG intends to and does business in Texas, directly or through intermediaries and offers its products or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Western District of Texas.

9. LG USA maintains a regular and established place of business in this District, including at 9420 Research Blvd, Austin, Texas 78759, and a representative office at 9600 Great Hills Trail, Suite 150W, Austin, Texas 78759. LG USA maintains additional regular and established places of business at 21251-2155 Eagle Parkway, Fort Worth, Texas 76177 and 14901 Beach St, Fort Worth, TX 76177. LG USA may be served with process through its registered agent for service in Texas: United States Corporation Co. 211 E. 7th Street, Suite 620, Austin, Texas 78701.

10. Venue is proper against LGE pursuant to 28 U.S.C. § 1391(c)(3) because venue is proper in any judicial district against a foreign corporation. *See In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018).

11. Venue is proper against LG USA in this District pursuant to 28 U.S.C. § 1400(b) because it has maintained established and regular places of business in this District and has committed acts of patent infringement in the District. *See In re Cray Inc.*, 871 F.3d 1355, 1362-63 (Fed. Cir. 2017).

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 five 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 at the U.S. Army Aberdeen Proving Ground and served 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 operating 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”), and 7,804,530 (the “530 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.

DISCUSSIONS WITH LG

19. Dr. Pryor and his patents are well-known to LG.

20. On September 12, 2017, GTP initiated a licensing discussion with LG by sending a letter to LG providing LG with the Asserted Patents and describing how LG was using the technology.

21. LG responded by email on September 29, 2017 and the parties engaged in a series of email discussions over the course of next four months through at least January of 2018.

22. As a result of the correspondence described above and other negotiations, LG was aware of the details of the Asserted Patents and was aware that LG needed a license to practice the inventions in the Asserted Patents.

23. On information and belief, LG did not take any steps to change their products or to inform its engineers and design team of the Asserted Patents to avoid infringing them.

THE ACCUSED PRODUCTS

24. GTP repeats and re-alleges the allegations in Paragraphs 1-23 as though fully set forth in their entirety.

25. LG infringed the asserted patents by making, using, selling, offering to sell, and importing its smartphones and tablets. Exemplary accused smartphones and tablets include, but are not limited to, the LG G Pad F 8.0 2nd Gen ACG, LG G Pad 5 10.1, LG Wing 5G, the LG G8X ThinQ Dual Screen, the LG Q70, the LG Stylo 6, the LG K51, the LG K31, the LG Stylo 5, the LG Dual Screen for LG Velvet 5G, the LG K30, the LG K31 Rebel, the LG K92, the LG VELVET 5G, the LG VELVET 5G UW, the LG V60 ThinQ 5G, the LG V60 ThinQ 5G UW, the

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