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

GESTURE TECHNOLOGY PARTNERS, LLC,	§ § § §	
Plaintiff	§ §	
v.	§ §	CASE NO. 2:21-cv-00040-JRG (Lead Case)
HUAWEI DEVICE CO., LTD., HUAWEI DEVICE USA, INC.,	§ § §	JURY TRIAL DEMANDED
Defendants.	§ § §	

GESTURE TECHNOLOGY PARTNERS, LLC,	§ § §	
Plaintiff	§ §	
v.	§ §	CASE NO. 2:21-cv-00041-JRG (Member Case)
SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.,	§ § §	JURY TRIAL DEMANDED
Defendants.	§ §	

SAMSUNG DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO EXCLUDE PORTIONS OF THE EXPERT REPORT AND PROFFERED TESTIMONY OF DEFENDANTS' EXPERT WITNESS, DR. ROBERT STEVENSON

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I.   INTRODUCTION

GTP misquotes and mischaracterizes Dr. Stevenson's opinions in an effort to exclude proper non-infringement analysis that applies the Court's constructions, or the plain and ordinary meaning where appropriate, to the specific technology at issue. Despite arguing Dr. Stevenson improperly opined as to matters of law for non-infringement, GTP argues he should have opined as to a legal question for invalidity, namely the subsection of 35 U.S.C. § 102 under which each prior art system qualifies as such. GTP also mischaracterizes Dr. Stevenson's invalidity opinions as incorrectly applying the law, yet GTP ignores the tables to Dr. Stevenson's report in which he provides his detailed opinions. Because GTP has failed to meet its burden of proof on any ground presented in its motion, GTP's motion should be denied in its entirety.

II.   ARGUMENT

A.   **Dr. Stevenson did not attempt to construe the claims himself, but applied the Court's constructions, including the plain meaning where applicable**

GTP attempts to distort Dr. Stevenson's proper opinions concerning non-infringement, a question of fact, into improper claim construction in an effort to exclude his analysis. *Medgraph, Inc. v. Medtronic, Inc.*, 843 F.3d 942, 949 (Fed. Cir. 2016) ("Infringement is a question of fact.") (citation omitted); *Network-1 Techs., Inc. v. Alcatel-Lucent USA, Inc.*, No. 6:11-CV-492-RWS-KNM, 2017 WL 4020591, at *5 (E.D. Tex. Sept. 13, 2017), *objections overruled sub nom. Network-1 Techs., Inc. v. Hewlett-Packard Co.*, No. 6:13-CV-00072-RWS, 2017 WL 10222211 (E.D. Tex. Nov. 7, 2017) ("Whether the accused products infringe under the Court's claim construction is for the jury to decide."). Dr. Stevenson explicitly states that he did not construe any term, but rather applied the Court's constructions or the plain meaning of terms the Court did not construe:

> I have applied the Court's constructions and the constructions
> agreed upon by the parties as part of the analysis for my Report. For

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