

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

GESTURE TECHNOLOGY
PARTNERS, LLC,

Plaintiff

v.

HUAWEI DEVICE CO., LTD.,
HUAWEI DEVICE USA, INC.,

Defendants.

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CASE NO. 2:21-cv-00040-JRG
(Lead Case)

JURY TRIAL DEMANDED

GESTURE TECHNOLOGY
PARTNERS, LLC,

Plaintiff

v.

SAMSUNG ELECTRONICS CO., LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

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CASE NO. 2:21-cv-00041-JRG
(Member Case)

JURY TRIAL DEMANDED

**SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA,
INC.’S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF GESTURE
TECHNOLOGY PARTNERS, LLC’S COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”), by and through the undersigned attorneys hereby respond to the Complaint for Patent Infringement (“Complaint”) filed February 4, 2021 by Plaintiff Gesture Technology Partners, LLC (“GTP” or “Plaintiff”). Samsung denies all allegations set forth in the Complaint unless expressly admitted in the following paragraphs. In so doing, Samsung denies any allegations contained in Plaintiff’s headings.

Samsung's specific responses to the numbered allegations of the Complaint are in the below numbered paragraphs as follows:

PARTIES

1. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies them.

2. Samsung admits that SEC is a corporation organized and existing under the laws of South Korea. It has its principal place of business at 129 Samsung- Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, South Korea. Samsung admits that SEC manufactures products that are available for purchase in the United States, including within this district. The remaining allegations of Paragraph 2 of the Complaint are legal conclusions which do not require a response by Samsung. To the extent a response is required, Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 2.

3. Samsung admits that SEA is a New York corporation with its principal place of business at 85 Challenger Rd., Ridgefield Park, New Jersey 07660. Samsung admits that SEA is a wholly-owned subsidiary of SEC. Samsung admits that SEA markets, sells, commercializes, and distributes Samsung's consumer electronic products in the United States. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 3.

JURISDICTION AND VENUE

4. Samsung incorporates by reference its responses contained in the foregoing paragraphs, as if fully set forth herein.

5. To the extent that the allegations of Paragraph 5 set forth legal conclusions, no response is required. Samsung admits the Complaint purports to set forth a patent infringement action arising under the patent laws of the United States. Samsung admits that this Court has

subject matter jurisdiction over actions arising under the patent laws of the United States pursuant to 35 U.S.C. §§ 271, 281, 284–285; and 28 U.S.C. §§ 1331 and 1338(a).

6. Samsung admits, for the purposes of this action only, that venue is proper for SEC and SEA. Samsung denies that this venue is convenient or in the interests of justice under 20 U.S.C. § 1404(a). Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 6.

7. Samsung admits it has transacted business in the state of Texas and in this district. Samsung, for purposes of this case only, will not challenge personal jurisdiction in this Court. Samsung denies committing any acts of infringement. The remaining allegations of Paragraph 7 regard jurisdiction, which is an issue of law for which no response is required. To the extent a response is required, Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 7.

8. Samsung admits that SEA is registered to conduct business in Texas. Samsung admits that Samsung devices are sold in the state of Texas, including the Eastern District of Texas. Samsung denies committing any acts of infringement and further denies inducing others to commit any acts of infringement. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 8.

9. Samsung admits that it has an office and/or facilities located at 1000 Klein Road, Plano, Texas. Samsung admits CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201 is a registered agent of SEA for certain purposes. To the extent the allegations of Paragraph 9 set forth legal conclusions, no response is required. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 9.

10. Samsung admits that it did not dispute that this Court had personal jurisdiction in the four cases GTP cites, but only for purposes of those cases. *See, e.g.*, Answer ¶ 10, *Barkan Wireless v. Samsung Elecs. Co.*, No. 2:18-cv-00028-JRG, Dkt. 25 (E.D. Tex. Apr. 23, 2018) (“Samsung does not contest, ***solely for the purpose of the present litigation***, whether personal jurisdiction over it properly lies in this District.”); Answer ¶ 9, *Immersion Corp. v. Samsung Elecs. Am., Inc.*, No. 2:17-cv-572 (E.D. Tex. Oct 24, 2017) (“Samsung does not contest, ***solely for the purpose of the present litigation***, whether personal jurisdiction over them properly lies in this District.”); Answer ¶ 10, *Richardson v. Samsung Elecs. Co.*, No. 6:17-cv-428 (E.D. Tex. Oct. 20, 2017) (“Samsung does not dispute personal jurisdiction over SEC and SEA ***for purposes of this action***.”); Answer ¶ 8, *Spacetime3D, Inc. v. Samsung Elecs. Co., Ltd. & Samsung Elecs. Am., Inc.*, No. 2:19-cv-00372 (E.D. Tex. Mar. 16, 2020) (“Samsung does not contest, ***solely for the purpose of the present litigation***, whether personal jurisdiction over it properly lies in this District.”) (emphases added).

11. To the extent that the allegations of Paragraph 11 set forth legal conclusions, no response is required. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 11.

12. To the extent that the allegations of Paragraph 12 set forth legal conclusions, no response is required. Except as expressly admitted, Samsung denies the remaining allegations of Paragraph 12.

13. Samsung admits that it did not dispute that venue was proper in this Court in the four cases GTP cites, but only for the purposes of those cases. *See, e.g.*, Answer ¶ 14 *Richardson v. Samsung Elecs. Co.*, No. 6:17-cv-428 (E.D. Tex. Oct. 20, 2017) (“Samsung admits venue is proper in this judicial district ***for this case***.”); Answer ¶ 10, *Immersion Corp. v. Samsung Elecs.*

Am., Inc., No. 2:17-cv-572 (E.D. Tex. Oct. 24, 2017) (“Samsung does not contest, ***solely for purposes of the present action***, whether venue over them properly lies in this District, but Samsung denies that venue in this District is convenient.”); Answer ¶ 12, *Barkan Wireless v. Samsung Elecs. Co.*, No. 2:18-cv-00028-JRG (E.D. Tex., Apr. 23, 2018) (“Samsung does not contest, ***solely for the purpose of the present litigation***, whether venue over it properly lies in this District, but Samsung denies that venue in this District is convenient.”); Answer ¶¶ 9–10 *Spacetime3D, Inc. v. Samsung Elecs. Co. & Samsung Elecs. Am., Inc.*, No. 2:19-cv-00372 (E.D. Tex. Mar. 16, 2020) (“SEC does not contest at this time, and ***solely for the purpose of the present litigation***, whether venue over it properly lies in this District, but SEC denies that venue in this District is convenient and SEC reserves the right to seek transfer to a more appropriate or convenient forum.”) (emphases added).

14. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14, the website <https://planotexas.org/765/Samsung-moving-1000-jobs-to-Legacy-Centr> is no longer available, and Samsung therefore denies them.

15. Samsung admits that the website <https://www.dallasnews.com/business/real-estate/2020/03/20/samsung-plans-for-plano-office-expansion/> is titled “Samsung plans for Plano office expansion.” Samsung lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 15, and therefore denies them.

THE TECHNOLOGY

16. Samsung incorporates by reference its responses contained in the foregoing paragraphs, as if fully set forth herein.

17. Samsung admits Dr. Pryor is the sole named inventor on the four Patents-in-Suit. Samsung denies that Dr. Pryor is the sole inventor of the four Patents-in-Suit. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 17, and therefore denies them.

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