

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

GESTURE TECHNOLOGY PARTNERS,
LLC,

Plaintiff

v.

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

Defendants.

JURY TRIAL DEMANDED

C.A. NO. 2:21-cv-00040-JRG

LEAD CONSOLIDATED CASE

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

Defendants.

C.A. NO. 2:21-cv-00041-JRG

**JOINT STIPULATION REGARDING ASSERTED PATENTS AND
PRIOR ART REFERENCES**

Plaintiff Gesture Technology Partners, LLC (“GTP”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) (altogether, “Parties”) hereby file this Joint Stipulation Regarding Asserted Patents and Prior Art References.

In an effort to narrow the triable issues in this case, it is hereby jointly stipulated by the Parties, subject to the approval of the Court, that:

1. GTP hereby withdraws and moves to dismiss with prejudice its allegations that Samsung infringes U.S. Patent No. 8,553,079.
2. GTP hereby withdraws and moves to dismiss with prejudice its allegations that Samsung infringes claims 1, 2, 3, 6, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 30 of U.S. Patent No. 7,933,431.

3. Samsung agrees to limit its prior-art invalidity defenses at trial to six references, alone or in combination, together with all evidence relating to those six references. Four of the six references may be asserted as either primary or secondary references, depending on the ground. Two of the six reference will be asserted solely as secondary references. The six references are MDScope; MERL; U.S. Patent No. 6,115,482 (“Sears”); U.S. Patent No. 6,144,366 (“Numazaki”); U.S Patent No. 6,539,100 (“Amir”); and Canadian Published Patent Application CA 2,237,939A1 (“Mann”). This limitation does not preclude Samsung and its experts from relying on these and additional references as background art or for demonstrating the state of the art at the time of invention (including those that relate to Samsung’s § 101 defense), consistent with the disclosures set forth in Samsung’s expert report on invalidity.

The Parties therefore respectfully request that the Court enter the attached proposed order in accordance with this Joint Stipulation.

Dated: January 29, 2022

Respectfully submitted,

By: /s/ Fred I. Williams

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