

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

[PROPOSED] ORDER

Before the Court is the Joint Stipulation Regarding Asserted Patents and Prior Art References between Plaintiff Gesture Technology Partners, LLC (“GTP”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) (altogether, the “Parties”). Having considered the Parties’ stipulation, the Court ACCEPTS the Parties’ agreements set forth therein and orders the following.

1. GTP’s allegations that Samsung infringes U.S. Patent No. 8,553,079 are dismissed with prejudice.
2. GTP’s 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 are dismissed with prejudice.
3. Samsung’s prior-art invalidity defenses at trial will be limited 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 references 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.

IT IS SO ORDERED