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## I. INTRODUCTION

Plaintiff Gesture Technology Partners, LLC's ("GTP") Complaint accuses Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") of direct infringement, inducement, and willful infringement with respect to the Asserted Patents.<sup>1</sup> Samsung brings this motion to dismiss these claims pursuant to Rule 12(b)(6) for failure to state a claim on which relief can be granted under the *Iqbal/Twombly* standard. GTP's Complaint is rife with legal conclusions, but devoid of factual allegations.

To begin, GTP's Complaint fails to plead facts sufficient to make a plausible claim of direct infringement of any of the Asserted Patents. GTP merely included screenshots purporting to show certain of Samsung's camera-related features and alleged that the Accused Products infringe. GTP's Complaint makes no attempt to explain *how* the screenshots support its allegation that the Accused Products and Accused Features embody individual claim elements. That is insufficient to sustain a claim under 35 U.S.C. § 271(a) in light of this Court's precedent.

In addition to the deficiencies in GTP's claims for direct infringement, GTP's claims for induced infringement and willful infringement are also deficient. Even considering all reasonable inferences in GTP's favor, there is no plausible allegation that Samsung became aware of the Asserted Patents before GTP filed its Complaint. And by the time GTP filed its Complaint, each of the Asserted Patents had expired and passed into the public domain. As a result, GTP has not (and cannot) plead facts that Samsung had the requisite knowledge and intent to sustain claims under 35 U.S.C. §§ 271(b) and 284.

Samsung respectfully requests that the Court dismiss GTP's claims of direct infringement, induced infringement, and willful infringement.

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<sup>1</sup> U.S. Patent Nos. 8,194,924 ("the '924 Patent"); 7,933,431 ("the '431 Patent"); 8,553,079 ("the '079 Patent"); and 8,878,949 ("the '949 Patent") (collectively, "the Asserted Patents").

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