

**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-RSP
(LEAD CASE)

ORDER

Before the Court is the Joint Stipulation Regarding Asserted Patents and Prior Art References, filed by Plaintiff Gesture Technology Partners, LLC (“GTP”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”). Dkt. No. 222. The parties have represented the following stipulations that the Court expressly relies on in accepting the Stipulation. Those stipulations are:

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.

After due consideration, the Court **ACCEPTS** the Stipulation. It is therefore **ORDERED** that GTP’s claims of patent infringement are **DISMISSED WITH PREJUDICE** as outlined herein. It is further **ORDERED** that Samsung’s prior-art invalidity defenses at trial will be limited as outlined herein.

SIGNED this 1st day of February, 2022.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE