

**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 DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S INFRINGEMENT  
CONTENTIONS AND/OR COMPEL INFRINGEMENT CONTENTIONS COMPLYING  
WITH THE COURT'S PATENT RULES**

**TABLE OF CONTENTS**

	<b>Page</b>
I. INTRODUCTION .....	1
II. BACKGROUND .....	2
III. APPLICABLE LAW .....	5
IV. ARGUMENT .....	6
A. GTP’s AICs Should be Supplemented or Stricken under Patent Rule 3-1(c) for Failure to Provide GTP’s Theory of Infringement as to Each Asserted Feature As Used By the Accused Products.....	6
1. GTP’s AICs Fail to Provide Full and Fair Notice of GTP’s Theory of Infringement for Each Accused Feature.....	8
2. GTP’s AICs Only Provide Adequate Notice for One Claim .....	9
3. GTP’s AICs Fail to Identify the Claimed “Gesture” for Three of the Asserted Patents .....	10
4. GTP’s AICs Make No Allegation as to Representativeness.....	12
B. The Court Should Strike GTP’s AICs as to Products For Which GTP Has Not Obtained Leave and as to Non-Samsung Features .....	13
1. Accused Products for which GTP has not obtained leave .....	13
2. Non-Samsung Accused Features .....	14
C. GTP’s Failure to Comply with P.R. 3-1(c) Materially Prejudices Samsung .....	14
V. CONCLUSION.....	15

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Connectel, LLC v. Cisco Sys.</i> , 391 F. Supp. 2d 526 (E.D. Tex. 2005).....	2, 5, 7
<i>Rapid Completions LLC v. Baker Hughes Inc.</i> , No. 6:15-CV-724, 2016 U.S. Dist. LEXIS 80327 (E.D. Tex. June 21, 2016).....	2, 6, 9
<i>Scorpcast, LLC v. Boutique Media</i> , No. 20-cv-00193-JRG-RSP, Dkt. No. 152, slip op. (E.D. Tex. Mar. 26, 2021).....	6
<i>UltimatePointer, LLC v. Nintendo Co.</i> , No. 6:11-CV-496, 2013 U.S. Dist. LEXIS 200122 (E.D. Tex. May 28, 2013).....	5, 10
<i>Uniloc 2017 v. Google</i> , No. 2:18-cv-00491-JRG-RSP (E.D. Tex. Mar. 27, 2020) .....	13
<b>Other Authorities</b>	
Fed. R. Civ. P. 12(b)(6).....	3
Patent Rule 3-1 .....	5, 7
Patent Rule 3-1(b).....	5
Patent Rule 3-1(c) .....	<i>passim</i>
Patent Rule 3-6(b).....	14

## I. INTRODUCTION

Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) respectfully request the Court to order Plaintiff Gesture Technology Partners, LLC (“GTP”) to comply immediately with Patent Rule 3-1(c) by providing a chart “identifying specifically where *each* element of *each* asserted claim is found *within each* Accused Instrumentality”—*i.e.*, how each Accused Instrumentality allegedly satisfies each element of each asserted claim—sufficient to give Samsung full and fair notice of GTP’s theory of infringement for each Accused Instrumentality.

The four Asserted Patents relate generally to the use of one or more cameras and separate sensors to assist users in interacting with their mobile devices. GTP’s Amended Infringement Contentions (“AICs”) identify 33 Accused Products (various Samsung smartphones and tablets) as allegedly infringing by using one or more of 18 Accused Features. GTP’s AICs fail to provide a chart identifying specifically where each element of each Asserted Claim is found within “*each* Accused Instrumentality”—*i.e.*, *each* Accused Feature as used by the Accused Products—as required by Patent Rule 3-1(c).

For example, GTP’s AICs allege that Iris Scan Unlock (which utilizes a scan of a user’s iris to determine whether to unlock a phone), Bixby Vision (which provides a user information about objects around them, such as restaurant recommendations), and QR Codes (barcodes that can be only be decoded by QR scanners) are features of the Accused Products that infringe all four Asserted Patents. Each of these Accused Features is unique, with its own individual functions and operation; Iris Scan identifies a portion of the user’s eye, Bixby Vision identifies objects around the user such as restaurants, and QR Codes identifies and decodes a barcode. Despite their widely varied functions, GTP’s AICs provide *no* information describing these features, *no* description of the allegedly infringing operation of these features, and, most crucially, *no* infringement analysis

whatsoever for these features. GTP's AICs are similarly deficient for almost all of the 18 Accused Features.

GTP's failure to provide sufficient information regarding its theory of infringement for each Accused Feature as used by the Accused Products significantly hampers Samsung's ability to identify and provide discovery and to prepare its defenses in this case. These deficiencies are particularly acute as to three of the four Asserted Patents, whose Asserted Claims explicitly require a "gesture" to be performed. GTP accuses all 18 Accused Features, including the three exemplary features discussed above, of infringing the "gesture" claims. After diligent investigation, however, Samsung is unable to discern how a human eye, a restaurant, or a barcode—let alone each of the 18 Accused Features—can perform a "gesture" sufficient to satisfy these claims. Samsung has requested clarification from GTP for months, in letters, emails, and meet and confer discussions, as to how the Accused Features allegedly infringe or what alleged "gesture" each Accused Feature performs. GTP's AICs fail to resolve or even address these serious deficiencies. Accordingly, GTP's AICs are inadequate under Patent Rule 3-1(c) and should be supplemented or stricken. *See Connectel, LLC v. Cisco Sys.*, 391 F. Supp. 2d 526, 527–28 (E.D. Tex. 2005); *Rapid Completions LLC v. Baker Hughes Inc.*, No. 6:15-CV-724, 2016 U.S. Dist. LEXIS 80327, at \*21 (E.D. Tex. June 21, 2016).

## II. BACKGROUND

The Accused Products are Samsung smartphones and tablets that use one or more cameras and separate sensors to assist users in interacting with their mobile devices. GTP filed five nearly identical Complaints against various Defendants, each alleging infringement of the same Asserted Patents—U.S. Patent Nos. 8,194,924 ("924 Patent"); 7,933,431 ("431 Patent"); 8,553,079 ("079 Patent"); and 8,878,949 ("949 Patent"). GTP filed two of the cases in the Eastern District of

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