

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.

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

**PLAINTIFF GESTURE TECHNOLOGY PARTNERS, LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. THE ASSERTED PATENTS 1

III. LEGAL STANDARD..... 4

IV. CLAIM CONSTRUCTION ARGUMENTS 4

 1. “means for controlling a function of said apparatus using said information” 4

 A. Defendants’ recited function is improper. 4

 B. The “means for controlling” term is not indefinite..... 5

 2. “computer means within said housing for analyzing said image to determine information concerning a position or movement of said object”..... 6

 A. “Computer” connotes sufficient structure for the recited function. 6

 B. Alternatively, Defendants’ recited function is improper, and their proposed corresponding structure includes structure that is not necessary to perform the recited function. 7

 i. Defendants attempt to inject additional limitations into the claim language by expanding the recited function. 7

 ii. Defendants’ proposed structure is neither clearly linked to nor necessary to perform the recited function..... 8

 3. “display function which is controlled” 10

 4. “sensing means associated with said device” 11

 A. “Sensing means” connotes sufficient structure for the recited function. .. 11

 B. Alternatively, the corresponding structure is an electro-optical sensor.... 11

 5. “means for transmitting information” 12

 6. “a light source for illuminating said object” 13

 7. “wherein said movement is sensed in 3 dimensions” 14

 8. “wherein said information is obtained in 3 dimensions” 14

 9. “electro-optically sensing” / “electro-optical sensing” 14

 10. “oriented to view” 15

 11. “oriented to view a user” 16

 12. “oriented to view an object other than the user” 17

 13. “wherein the gesture is performed by a person other than the user of the handheld device” 18

 14. “a computer within the housing . . . wherein the computer is adapted to perform a control function of the handheld device based on at least one of the first camera output and the second camera output” 18

15. “gesture” 19

16. “adapted to” 19

17. “light source adapted to direct illumination through a work volume above the light source” / “light source adapted to illuminate a human body part within a work volume generally above the light source” / “light source in fixed relation relative to the camera and adapted to direct illumination through the work volume” 20

18. “a processor adapted to determine the gesture performed in the work volume and illuminated by the light source based on the camera output” 20

19. “three-dimensional position” 22

20. “work volume above the light source” / “work volume generally above the light source” / “work volume above the camera” 22

21. “forward facing portion” 23

22. “forward facing light source” 24

23. “the detected gesture is identified by the processing unit apart from a plurality of gestures” 24

24. “the electro-optical sensor” / “the electro-optical sensor field of view” 25

25. “a processing unit within the device housing and operatively coupled to an output of the electro-optical sensor, wherein the processing unit is adapted to: determine a gesture has been performed in the electro-optical sensor output, and control the digital camera in response to the gesture performed in the electro-optical sensor field of view, wherein the gesture corresponds to an image capture command, and wherein the image capture command causes the digital camera to store an image to memory.” 26

26. “processing unit” 27

27. “processing unit operatively coupled to the sensor and to the digital camera, wherein the processing unit is adapted to: detect a gesture has been performed in the electro-optical sensor field of view based on an output of the electro-optical sensor, and correlate the gesture detected by the sensor with an image capture function and subsequently capture an image using the digital camera, wherein the detected gesture is identified by the processing unit apart from a plurality of gestures.” 29

28. “electro-optical sensor” 30

TABLE OF AUTHORITIES

Cases

<i>02 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008).....	15
<i>Advanced Mktg. Sys., LLC v. CVS Pharmacy, Inc.</i> , No. 6:15-cv-134-JRG-KNM, 2016 U.S. Dist. LEXIS 58472 (E.D. Tex. May 3, 2016).....	21
<i>Cellular Communs. Equip. LLC v. AT&T, Inc.</i> , No. 2:15-CV-576-RWS-RSP, 2016 U.S. Dist. LEXIS 174666 (E.D. Tex. Dec. 18, 2016)	21
<i>Clear Imaging Research, LLC v. Samsung Elecs. Co.</i> , No. 2:19-cv-00326-JRG, 2020 U.S. Dist. LEXIS 202507 (E.D. Tex. Oct. 30, 2020).....	7, 11
<i>Cordis Corp. v. Medtronic AVE, Inc.</i> , 339 F.3d 1352 (Fed. Cir. 2003).....	23
<i>CryptoPeak Sols., LLC v. Lowe's Home Ctrs.</i> , No. 2:15-cv-1737-RWS-RSP, 2016 U.S. Dist. LEXIS 135666 (E.D. Tex. Sep. 9, 2016).....	16
<i>DSW, Inc. v. Shoe Pavilion, Inc.</i> , 537 F.3d 1342 (Fed. Cir. 2008).....	15, 30
<i>Energizer Holdings v. ITC</i> , 435 F.3d 1366 (Fed. Cir. 2006).....	25
<i>Epistar Corp. v. ITC</i> , 566 F.3d 1321 (Fed. Cir. 2009).....	15
<i>Ergo Licensing, LLC v. CareFusion 303, Inc.</i> , 673 F.3d 1361 (Fed. Cir. 2012).....	9
<i>Grantley Patent Holdings, Ltd. v. Clear Channel Communs., Inc.</i> , Civil Action No. 9:06CV259, 2008 U.S. Dist. LEXIS 1588 (E.D. Tex. Jan. 8, 2008).....	8
<i>Halliburton Energy Servs. v. M-I LLC</i> , 514 F.3d 1244 (Fed. Cir. 2008).....	18
<i>Huawei Techs. Co. v. T-Mobile US, Inc.</i> , No. 2:16-CV-00056-JRG-RSP, 2017 U.S. Dist. LEXIS 79836 (E.D. Tex. May 24, 2017).....	28, 29
<i>In re Katz Interactive Call Processing Patent Litig.</i> , 639 F.3d 1303 (Fed. Cir. 2011).....	9, 16

In re Swinehart,
 439 F.2d 210 (CCPA 1971)..... 18

Intel Corp. v. VIA Techs.,
 319 F.3d 1357 (Fed. Cir. 2003)..... 6, 24

IPXL Holdings, L.L.C. v. Amazon.com, Inc.,
 430 F.3d 1377 (Fed. Cir. 2005)..... 16

Koninklijke Philips N.V. v. Asustek Comput. Inc.,
 No. 15-1125-GMS, 2017 U.S. Dist. LEXIS 106501 (D. Del. July 11, 2017)..... 11

Media Rights Techs., Inc. v. Capital One Fin. Corp.,
 800 F.3d 1366 (Fed. Cir. 2015)..... 10, 19

Micro Chem, Inc. v. Great Plains Chem. Co.,
 194 F.3d 1250 (Fed. Cir. 1999)..... 9

Micro Chemical, Inc. v. Great Plains Chemical Co.,
 194 F.3d 1250 (Fed Cir. 1999)..... 4

Microprocessor Enhancement Corp. v. Texas Instruments Inc.,
 520 F.3d 1367 (Fed. Cir. 2008)..... 18

Middleton, Inc. v. 3M Co.,
 311 F.3d 1384 (Fed. Cir. 2002)..... 23

Motion Games, LLC v. Nintendo Co.,
 No. 6:12-cv-878-JDL, 2015 U.S. Dist. LEXIS 180229 (E.D. Tex. Jan. 16, 2015)..... 16

Nautilus, Inc. v. Biosig Instruments,
 572 U.S. 898 (2014). 17, 23

Omega Eng'g, Inc. v. Raytek Corp.,
 334 F.3d 1314 (Fed. Cir. 2003)..... 20

Optis Cellular Tech., LLC v. Kyocera Corp.,
 No. 2:16-cv-0059-JRG-RSP, 2017 U.S. Dist. LEXIS 18191 (E.D. Tex. Feb. 8, 2017) 21

Orion IP, L.L.C. v. Staples, Inc.,
 406 F.Supp.2d 717 (E.D. Tex. 2005) 13

Panoptis Patent Mgmt., LLC v. Blackberry Ltd.,
 No. 2:16-CV-62-JRG-RSP, 2017 U.S. Dist. LEXIS 16650 (E.D. Tex. Feb. 6, 2017) 21

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.