

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GESTURE TECHNOLOGY PARTNERS,
LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

CIVIL ACTION NO. 2:21-cv-00041

ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Gesture Technology Partners, LLC (“GTP” or “Plaintiff”) files this original complaint against Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. Gesture Technology Partners, LLC is a limited liability company filed under the laws of the State of Ohio, with its principal place of business at 2815 Joelle Drive, Toledo, Ohio 43617.

2. Defendant Samsung Electronics Co., Ltd. is a corporation organized and existing organized under the laws of South Korea. It has its principal place of business at 129 Samsung-Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, South Korea. SEC designs, manufactures, makes, uses, imports into the United States, sells, and/or offers for sale in the United States SEC

smartphones and tablets. SEC's smartphones and tablets are marketed, used, offered for sale, and/or sold throughout the United States, including within this district.

3. Defendant Samsung Electronics America, Inc. is a corporation organized under the laws of the State of New York. Its principal place of business is at 85 Challenger Rd., Ridgefield Park, New Jersey 07660. SEA is a wholly owned subsidiary of SEC and oversees domestic sales and distribution of Samsung's consumer electronics products, including the products accused of infringement in this case.

JURISDICTION AND VENUE

4. GTP repeats and re-alleges the allegations in Paragraphs 1-3 as though fully set forth in their entirety.

5. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(c).

7. Samsung is subject to this Court's specific and general personal jurisdiction due at least to Samsung's substantial business in this forum, including (i) at least a portion of the infringements alleged herein; or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

8. Specifically, Samsung intends to and does business in Texas, directly or through intermediaries and offers its products or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas.

9. Samsung maintains a regular and established place of business in this District, including at 1301 East Lookout Drive, Richardson, Texas 75080 and 1000 Klein Road, Plano, Texas 75074. SEA may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

10. Samsung has not disputed this Court's personal jurisdiction over in other recent patent-infringement actions. *See, e.g.*, Answer at ¶ 10, *Barkan Wireless v. Samsung Elecs. Co., Ltd. et al.*, No. 2:18-cv-00028-JRG, Dkt. 25 (E.D. Tex., Apr. 23, 2018); Answer at ¶ 9, *Immersion Corp. v. Samsung Electronics America*, No. 2:17-cv-572 (E.D. Tex. Oct. Oct 24, 2017); Answer at ¶ 10, *Richardson v. Samsung Electronics Co.*, No. 6-17-cv-428 (E.D. Tex. Oct. 20, 2017); Answer at ¶ 8, *Spacetime3D, Inc. v. Samsung Electronics Co., LTC and Samsung Electronics America, Inc.*, No. 2:19-cv-00372 (E.D. Tex. May 16, 2020).

11. Venue is proper against SEC pursuant to 28 U.S.C. § 1391(c)(3) because venue is proper in any judicial district against a foreign corporation. *See In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018).

12. Venue is proper against SEA in this District pursuant to 28 U.S.C. § 1400(b) because it has maintained established and regular places of business in this District and has committed acts of patent infringement in the District. *See In re Cray Inc.*, 871 F.3d 1355, 1362-63 (Fed. Cir. 2017).

13. In other recent patent actions, Samsung either “admit[ted],” (Answer at ¶ 14, *Richardson v. Samsung Electronics Co.*, No. 6-17-cv-428 (E.D. Tex. Oct. 20, 2017)), or “d[id] not contest,” (Answer at ¶ 10, *Immersion Corp. v. Samsung Electronics America*, No. 16-cv-572 (E.D. Tex. Oct. 24, 2017)), that this District is a proper venue for patent infringement actions against them. *See also, e.g.*, Samsung Defendants' Answer at ¶ 12, *Barkan Wireless*, No. 2:18-cv-00028-

JRG, Dkt. 25 (E.D. Tex., Apr. 23, 2018); Answer at ¶ 9-10 *Spacetime3D, Inc. v. Samsung Electronics Co., LTC and Samsung Electronics America, Inc.*, No. 2:19-cv-00372 (E.D. Tex. May 16, 2020).

14. In 2018, Samsung relocated 1,000 jobs to its new Plano campus. *See Samsung moving 1,000 jobs to Legacy Central Plano*, available at <https://planotexas.org/765/Samsung-moving-1000-jobs-to-Legacy-Centr> (last accessed Jan. 16, 2021).

15. In 2020, Samsung announced plans to expand its Plano presence. *See Samsung plans for Plano office expansion*, available at <https://www.dallasnews.com/business/real-estate/2020/03/20/samsung-plans-for-plano-office-expansion/> (last accessed Jan. 16, 2021).

THE TECHNOLOGY

16. GTP repeats and re-alleges the allegations in Paragraphs 1-15 as though fully set forth in their entirety.

17. GTP was founded in 2013 by Dr. Timothy Pryor, the sole inventor of the five Asserted Patents. He currently resides in Toledo, Ohio. Dr. Pryor received a B.S. in Engineering Physics from Johns Hopkins University in 1962, where he was also a member of the Army Reserve Officer in Training (ROTC) program. Upon graduation, he was commissioned as a Second Lieutenant in the United States Army. Dr. Pryor continued his education, obtaining an M.S. in Physics from the University of Illinois (1964) and a Ph.D. in Mechanical Engineering from the University of Windsor (1972).

18. Dr. Pryor rose to the rank of Captain in the U.S. Army before his honorable discharge in 1967. Dr. Pryor served in at the U.S. Army Aberdeen Proving Ground and Italy, commanding missile teams supporting the Italian armed forces on a NATO anti-aircraft missile site, charged with guarding nuclear warheads and providing technical assistance to NATO.

19. Dr. Pryor is a named inventor on over 200 patents and patent applications. For the past four decades, he has been a pioneer in laser sensing technology, motion sensing technology, machine vision technology and camera-based interactive technology.

20. Since the 1970's, Dr. Pryor has founded and led three other companies: two small operating companies in the automotive parts inspection and robotics businesses, one company that developed new forms of vehicle instrument panel controls, and co-founded another company that utilized camera-based sensors for physical therapy. Dr. Pryor is responsible for a significant amount of the research and development for the technologies at these companies.

21. The patents-in-suit, U.S. Patent Nos. 8,194,924 (the "924 patent"), 7,933,431 (the "431 patent"), 8,878,949 (the "949 patent"), and 8,553,079 (the "079 patent") (collectively, the "Asserted Patents"), are generally directed to innovations in using mobile phone cameras to assist a user to interact with their smartphone, including, for example, but not limited to unlocking their phone, taking and using photos or videos, and providing other functions.

22. Dr. Pryor conceived of the inventions embodied in the Asserted Patents in the mid-to late-1990s, when he was working on a variety of different projects related to imaging and computer control. Dr. Pryor describes the process as a "brainstorm" that led to several breakthrough moments, ultimately resulting in the Asserted Patents.

THE ACCUSED PRODUCTS

23. GTP repeats and re-alleges the allegations in Paragraphs 1-22 as though fully set forth in their entirety.

24. Samsung infringed the asserted patents by making, using, selling, offering to sell, and importing its smartphones and tablets. Exemplary accused infringing smartphones and tablets

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