

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

GESTURE TECHNOLOGY PARTNERS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 KATHERINE K. VIDAL, Under Secretary of)
 Commerce for Intellectual Property and Director of)
 the United States Patent and Trademark Office,)
)
 Defendant.)
 _____)

Case No. 1:22-cv-622 (RDA/TCB)

DEFENDANT’S MOTION TO DISMISS

Defendant, Katherine K. Vidal, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, through her undersigned counsel, respectfully submits this motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6). The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: August 5, 2022

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: _____ /s/ _____
MATTHEW J. MEZGER
Assistant United States Attorney
Office of the United States Attorney
Justin W. Williams U.S. Attorney’s Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3741
Fax: (703) 299-3983
Email: matthew.mezger@usdoj.gov

Counsel for Defendant