

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TOUCHSCREEN GESTURES LLC,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Touchscreen Gestures, LLC for its Complaint against Hewlett-Packard Company (“HP” or “Defendant”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiff Touchscreen Gestures, LLC is a Texas Limited Liability Company.
2. On information and belief, Defendant HP is incorporation under the laws of Texas with its principal place of business at 3000 Hanover Street, MS 1050, Palo Alto, CA 94304. This defendant is registered to do business in the State of Texas and has appointed, CT Corporation Systems, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201-4234 as its agent for service of process. On information and belief, HP regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, HP has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling of touch pad devices including those devices commonly referred to as notebook and laptop computers.

5. On information and belief, HP is subject to this Court's general and specific personal jurisdiction because: HP has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, HP has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; HP regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Touchscreen Gestures, LLC's causes of action arise directly from HP's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,180,506**

6. Touchscreen Gestures, LLC is the owner of all rights, title and interest to United States Patent No. 7,180,506 ("the '506 Patent") entitled "Method for Identifying a Movement of Single Tap on a Touch Device." The '506 Patent was issued on February 20, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading

to the '506 Patent was filed on February 12, 2004. Attached as Exhibit "A" is a copy of the '506 Patent.

7. The '506 Patent is generally directed to novel, unique and non-obvious methods and controllers of identifying a movement of single tap which is a movement done with at least an object contacting a touch device, such the touchpad of a notebook or laptop computer.

8. On information and belief, HP has been and now is infringing the '506 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods, controllers and gesture units according to the '506 Patent. On information and belief, examples of HP products that infringe the '506 Patent include, but are not limited to, the HP LAPTOPS 2000t-2c00, ENVY 4t-1200, ENVY 6t-1200, ENVY 6z-1100, ENVY dv4t-5300, ENVY dv6-7210us, ENVY dv6-7214nr, ENVY dv6-7215nr, ENVY dv6t-7300, ENVY dv6z-7200, ENVY dv7-7212nr, ENVY dv7-7230us, ENVY dv7-7240us, ENVY dv7-7250us, ENVY Sleekbook 6-1010us, ENVY Sleekbook 6-1110us, ENVY TouchSmart 4t-1200, ENVY x2 11-g010nr, ENVY x2 11-g011nr, ENVY x2 11t-g000, Pavilion 14z-b100, Pavilion 15t-b100, Pavilion 15z-b000, Pavilion dm1z-4300, Pavilion dv6t-7000, Pavilion dv7t-7000, Pavilion g6-2260us, Pavilion g6t-2000, Pavilion g6t-2300, Pavilion g7z-2200, Pavilion TouchSmart 14t-b100, Pavilion TouchSmart 15z-b000, Spectre 14-3210nr, Spectre 14t-3200, Spectre XT 13-2150nr, Spectre XT 13t-2100, Spectre XT 13t-2100, Spectre XT TouchSmart 15-4010nr, Spectre XT TouchSmart 15t-4000 which allow the identification of a movement of single tap which is a movement done with at least an object contacting a touch device and therefore infringe claims of the '506 Patent. HP is thus liable for infringement of the '506 Patent pursuant to 35 U.S.C. § 271.

9. As a result of HP's infringement of the '506 Patent, Touchscreen Gestures, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless HP's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining HP and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '506 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Touchscreen Gestures, LLC respectfully requests that this Court enter:

A. A judgment in favor of Touchscreen Gestures, LLC that HP has infringed the '506 Patent, and that such infringement was willful;

B. A permanent injunction enjoining HP and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '506 Patent;

C. A judgment and order requiring HP to pay Touchscreen Gestures, LLC its damages, costs, expenses, and prejudgment and post-judgment interest for HP infringement of the '506 Patent as provided under 35 U.S.C. § 284;

D. An award to Touchscreen Gestures, LLC for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Touchscreen Gestures, LLC its reasonable attorneys' fees; and

F. Any and all other relief to which Touchscreen Gestures, LLC may show itself to be entitled.

DEMAND FOR JURY TRIAL

Touchscreen Gestures, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 10, 2013

Respectfully submitted,

By: /s/ Winston O. Huff
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**ATTORNEYS FOR PLAINTIFF,
TOUCHSCREEN GESTURES LLC**

CERTIFICATE OF FILING

I hereby certify that on May 10, 2013 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff
Winston O. Huff