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ATTORNEYS FOR PLAINTIFF
TOUCHSCREEN GESTURES LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

TOUCHSCREEN GESTURES LLC,)	Case No. 3:13-CV-01772-WHA
)	
Plaintiff,)	SECOND AMENDED
)	COMPLAINT FOR
vs.)	PATENT INFRINGEMENT
)	
HTC CORPORATION., <i>et al.</i> ,)	Judge: William H. Alsup
)	
Defendants.)	JURY TRIAL DEMANDED

Plaintiff Touchscreen Gestures, LLC as and for its Second Amended Complaint against HTC Corporation and HTC America, Inc. (referred to collectively as “HTC” in the singular or “Defendants” in the plural), demand a trial by jury and allege as follows:

PARTIES

1. Touchscreen Gestures, LLC is a Texas Limited Liability Company.

1 2. On information and belief, Defendant HTC Corporation is a Republic of Taiwan
2 corporation with its principal place of business at 23 Xinghua Rd., Taoyuan, 330, Taiwan, R.O.C.
3 On information and belief, HTC Corporation regularly conducts and transacts business in the United
4 States, throughout the State of Texas, and within the Eastern District of Texas, itself and/or through
5 one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of
6 infringement within the meaning of 28 U.S.C. § 1400(b). HTC Corporation may be served with
7 process in Taiwan pursuant to the Hague Convention on the Service Abroad of Judicial and
8 Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S.
9 Treaty 1969).

11 3. On information and belief, Defendant HTC America, Inc. is incorporated under the
12 laws of Washington with its principal place of business at 13920 SE Eastgate Way, Suite 400
13 Bellevue, Washington 98005. This Defendant has appointed National Registered Agents, Inc.,
14 16055 Space Center Blvd., Suite 235, Houston, TX 77062 as its agent for service of process.
15 Defendant HTC America, Inc. regularly conducts and transacts business in Texas, throughout the
16 United States, and within the Eastern District of Texas, itself and/or through one or more
17 subsidiaries, affiliates, business divisions, or business units. On information and belief, HTC
18 America, Inc. is a wholly-owned subsidiary of HTC Corporation and serves as a representative of
19 HTC Corporation for purposes of conducting business in the United States.
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22 **JURISDICTION AND VENUE**

23 4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1
24 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§
25 1331 and 1338(a).
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COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,180,506

8. 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 as smartphone or tablet.

1 9. On information and belief, HTC has been and now is infringing the ‘506 Patent in the
2 State of Texas, in this judicial district, and elsewhere in the United States by making, using,
3 importing, selling or offering to sell touch devices that incorporate methods and controllers
4 according to the ‘506 Patent. On information and belief, examples of HTC products that infringe the
5 ‘506 Patent include, but are not limited to, the HTC One and Sensation smartphones as well as the
6 HTC Flyer tablet which allow the identification of a movement of single tap which is a movement
7 done with at least an object contacting a touch device and therefore, infringe the asserted claims of
8 the ‘506 Patent. HTC is thus liable for infringement of the ‘506 Patent pursuant to 35 U.S.C. § 271.

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

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

17 **COUNT II**

18 **INFRINGEMENT OF U.S. PATENT NO. 7,190,356**

19 12. Touchscreen is the owner of all rights, title and interest to United States Patent No.
20 7,190,356 (“the ‘356 Patent”) entitled “Method and Controller for Identifying Double Tap
21 Gestures.” The ‘356 Patent was issued on March 13, 2007 after a full and fair examination by the
22 United States Patent and Trademark Office. The application leading to the ‘356 Patent was filed on
23 February 12, 2004. Attached as Exhibit “B” is a copy of the ‘356 Patent.
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1 13. The ‘356 Patent is generally directed to novel, unique and non-obvious methods and
2 controllers of identifying double tap gestures on a touch device movement of single tap which is a
3 movement done with at least an object contacting a touch device, such as smartphone or tablet.

4 14. On information and belief, HTC has been and now is infringing the ‘356 Patent in the
5 State of Texas, in this judicial district, and elsewhere in the United States by making, using,
6 importing, selling or offering to sell touch devices that incorporate methods and controllers
7 according to the ‘356 Patent. On information and belief, examples of HTC products that infringe the
8 ‘356 Patent include, but are not limited to, the HTC One and Sensation smartphones as well as the
9 HTC Flyer tablet which allow the identification of double tap gestures on a touch device and which
10 therefore infringe claims of the ‘356 Patent. HTC is thus liable for infringement of the ‘356 Patent
11 pursuant to 35 U.S.C. § 271.
12

13 15. As a result of HTC’s infringement of the ‘356 Patent, Touchscreen Gestures, LLC has
14 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in
15 the future unless HTC’s infringing activities are enjoined by this Court.
16

17 16. Unless a permanent injunction is issued enjoining HTC and its agent, servants,
18 employees, representatives, affiliates, and all others acting on or in active concert therewith from
19 infringing the ‘356 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.
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21 **PRAYER FOR RELIEF**

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

23 A. A judgment in favor of Touchscreen Gestures, LLC that HTC has infringed the ‘506
24 Patent and the ‘356 Patent;
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1 B. A permanent injunction enjoining HTC and its officers, directors, agents, servants,
2 affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert
3 therewith from infringing the '506 Patent and the '356 Patent;

4 C. A judgment and order requiring HTC to pay Touchscreen Gestures, LLC its damages,
5 costs, expenses, and prejudgment and post-judgment interest for HTC infringement of '506 Patent
6 and the '356 Patent as provided under 35 U.S.C. § 284;

7 D. A judgment and order finding that this is an exceptional case within the meaning of
8 35 U.S.C. § 285 and awarding to Touchscreen Gestures, LLC its reasonable attorneys' fees; and
9

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

12 **DEMAND FOR JURY TRIAL**

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

1 Dated: October 21, 2013

Respectfully submitted,

2 By: /s/ Winston O. Huff

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12 **TOUCHSCREEN GESTURES LLC**

13
14 **CERTIFICATE OF SERVICE**

15 The undersigned certifies that on the 21st day of October, 2013, the foregoing document was
16 filed with the Clerk of the U. S. District Court for the Northern District of California, in compliance
17 with Civil L. R. 5-1 and using the court's electronic case filing system (ECF), in compliance with
18 Civil L. R. 5-5.

19
20 /s/ Winston O. Huff
Winston O. Huff