

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

TOUCHSCREEN GESTURES LLC,

Plaintiff,

v.

**HUAWEI TECHNOLOGIES CO., LTD.,
HUAWEI TECHNOLOGIES USA INC. and
HUAWEI DEVICE USA INC.,**

Defendants.

CIVIL ACTION NO. 6:14-cv-00030

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Touchscreen Gestures, LLC for its Complaint against Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., and Huawei Device USA Inc. (“Huawei” or “Defendants”), 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 Huawei Technologies Co., Ltd. is a Chinese corporation with its principal place of business at Huawei Industrial Park, Bantian, Longgang District, Shenzhen, Guangdong, 518129, China. This Defendant has appointed, Marc Fischer, 5700 Tennyson Pkwy. #500, Plano, Texas 75024 as its agent for service of process. On information and belief, Huawei Technologies Co., Ltd. regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, 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). Huawei may be served with process in China pursuant to the Hague Convention on the Service Abroad of

Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

3. On information and belief, Defendant Huawei Technologies USA Inc. is incorporated under the laws of Texas with its principal place of business at 5700 Tennyson Pkwy., #500, Plano, Texas 75024. This Defendant has appointed, CT Corporation System, 350 North St. Paul St., Ste. 2900, Dallas, Texas 75201 as its agent for service of process. On information and belief, Huawei Enterprise USA Inc. 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).

4. On information and belief, Defendant Huawei Device USA Inc. is incorporated under the laws of Texas with its principal place of business at 5700 Tennyson Pkwy., #500, Plano, Texas 75024. This Defendant has appointed CT Corporation System, 350 North St. Paul St., Ste. 2900, Dallas, Texas 75201, as its agent for service of process. On information and belief, Huawei Device USA Inc. 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

5. 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).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Huawei have transacted business in this district, and have committed acts of patent infringement in this district, by the making, using and/or selling touchscreen devices including those devices commonly referred to as “smartphones” and “tablets.”

7. On information and belief, Huawei are subject to this Court’s general and specific personal jurisdiction because: Huawei have 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, Huawei have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Huawei regularly conduct and solicit business within the State of Texas and within the Eastern District of Texas; and Touchscreen Gestures, LLC’s causes of action arise directly from Huawei’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

8. 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.

9. 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 a smartphone or tablet.

10. On information and belief, Huawei have been and now are 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 and controllers according to the '506 Patent. On information and belief, examples of Huawei's products that infringe the '506 Patent include, but are not limited to, all Huawei's products, including the Ascend G300 smartphone which allows the identification of a single tap gestures and therefore, infringe the claims of the '506 Patent. Huawei are thus liable for infringement of the '506 Patent pursuant to 35 U.S.C. § 271.

11. As a result of Huawei'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 Huawei's infringing activities are enjoined by this Court.

12. Unless a permanent injunction is issued enjoining Huawei and their agents, 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.

COUNT II

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

13. Touchscreen is the owner of all rights, title and interest to United States Patent No. 7,190,356 ("the '356 Patent") entitled "Method and Controller for Identifying Double Tap Gestures." The '356 Patent was issued on March 13, 2007 after a full and fair examination by

the United States Patent and Trademark Office. The application leading to the '356 Patent was filed on February 12, 2004. Attached as Exhibit "B" is a copy of the '356 Patent.

14. The '356 Patent is generally directed to novel, unique and non-obvious methods and controllers of identifying double tap gestures on a touch device, such as a smartphone or tablet.

15. On information and belief, Huawei have been and now are infringing the '356 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 and controllers according to the '356 Patent. On information and belief, examples of Huawei's products that infringe the '356 Patent include, but are not limited to, all Huawei's products having method and controllers for identifying double tap gestures, including the Ascend G300 smartphone which allows the identification of double tap gestures via methods, controllers and gestures units and therefore, that infringe claims of the '356 Patent pursuant to 35 U.S.C. § 271.

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

17. Unless a permanent injunction is issued enjoining Huawei and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '356 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 Huawei have infringed the '506 Patent and the '356 Patent;

B. A permanent injunction enjoining Huawei and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '506 Patent and the '356 Patent;

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

D. 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

E. 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: January 16, 2014

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 January 16, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff
Winston O. Huff