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Attorney for Plaintiff
GLOBAL TOUCH SOLUTIONS, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GLOBAL TOUCH SOLUTIONS, LLC

Plaintiff,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Case No. 3:15-cv-02749-JD

**PLAINTIFF’S FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

This is an action for patent infringement in which Global Touch Solutions, LLC (“GTS” or “Plaintiff”) makes the following allegations against Motorola Mobility, LLC (“Motorola” or “Defendant”).

PARTIES

1. Plaintiff GTS is a Delaware Limited Liability Company with its principal place of business at 8133 Leesburg Pike, Suite 310, Vienna, Virginia 22182.

2. On information and belief, Defendant Motorola Mobility, LLC is a limited liability corporation organized under the laws of the State of Delaware with its principal place of business located at 600 N. US Highway 45, Libertyville, Illinois 60196.

1 **JURISDICTION AND VENUE**

2 3. This action arises under the patent laws of the United States, Title 35 of the
3 United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
4 1338(a).

5 4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). On
6 information and belief, Defendant has transacted business in this judicial district, directly or
7 through intermediaries, and has committed acts of direct patent infringement in this judicial
8 district.

9 **COUNT I**

10 **INFRINGEMENT OF U.S. PATENT NO. 7,994,726**

11 5. GTS re-alleges and incorporates by reference the allegations set forth in
12 paragraphs 1 through 4.

13 6. This cause of action arises under the patent laws of the United States, and in
14 particular, 35 U.S.C. §§271 *et seq.*

15 7. GTS is the owner by assignment of United States Patent No. 7,994,726 (the “’726
16 Patent”) entitled “Intelligent User Interface Including a Touch Sensor Device.” The ’726 Patent
17 is valid and enforceable and was duly issued on August 8, 2011. Plaintiff has all rights to recover
18 for past and future acts of infringement of the ’726 Patent. A true and correct copy of the ’726
19 Patent is attached hereto as Exhibit A.

20 8. On information and belief, Defendant has been and now is infringing the ’726
21 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-
22 10, 19, 20 and 27 through, among other things, the manufacture, use, sale, offers for sale within
23 the United States, and importation of products into the United States, including, without
24 limitation, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E,
25 which at minimum include every element of claims 1, 3-10, 19, 20 and 27 of the ’726 Patent.
26 Apple is thereby liable for infringement of the ’726 Patent pursuant to 35 U.S.C. § 271(a).

1 9. Defendant manufactures, uses, sells, offers for sale, and imports products,
2 including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X,
3 Moto G and Moto E that include one or more of a lock screen coupled with display of radio
4 status information and/or a standby display of information. Defendant thereby has been and is
5 presently directly and literally infringing the '726 Patent.

6 10. Should Defendant proffer an interpretation of any claim element that differs from
7 GTS's, GTS intends to show direct infringement of those elements by demonstrating that they
8 are no more than insubstantial differences between the element and the features of the accused
9 products.

10 11. On information and belief, Defendant's instructions and marketing materials
11 directed to end users of its products encourage use of the claimed features of the '726 Patent.
12 After the date of this action, such actions will constitute inducement of infringement by others
13 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
14 refer to a load that is automatically turned off and a switch that performs different specific
15 functions based on the duration of time it is activated, which encourages the end user to use
16 claimed features of the '726 Patent. More specifically, but not limited thereto, user guides for
17 the products listed under Count I, such as the Droid Maxx, describe how to use a "Power key"
18 button that can be pressed and held to turn on/off the product or pressed to put product
19 components to "sleep" or cause components to "wake up," and how a load is automatically
20 turned off after a "timeout," thereby encouraging the end user to use claimed features of the '726
21 Patent.

22 12. GTS has been damaged as a result of Defendant's infringing conduct described in
23 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
24 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
25 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
26 notice of the '726 Patent since its date of issuance, and GTS seeks recovery for the period
27 consistent with 35 U.S.C. §§ 286 and 287(a).
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COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,498,749

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3 13. GTS re-alleges and incorporates by reference the allegations set forth in
4 paragraphs 1 through 4.

5 14. This cause of action arises under the patent laws of the United States, and in
6 particular, 35 U.S.C. §§271 *et seq.*

7 15. GTS is the owner by assignment of United States Patent No. 7,498,749 (the “’749
8 Patent”) entitled “Intelligent Electrical Switching Device Including a Touch Sensor User
9 Interface Switch.” The ’749 Patent was issued on March 3, 2009. GTS has all rights to recover
10 for past and future acts of infringement of the ’749 Patent. A true and correct copy of the ’749
11 Patent is attached hereto as Exhibit B.

12 16. On information and belief, Defendant has been and now is infringing the ’749
13 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 2,
14 5-7, 14, 15, 21 and 23 through, among other things, the manufacture, use, sale, offers for sale
15 within the United States, and importation of products into the United States, including, without
16 limitation, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E,
17 which at minimum include every element of claims 1, 2, 5-7, 14, 15, 21 and 23 of the ’749
18 Patent. Defendant is thereby liable for infringement of the ’749 Patent pursuant to 35 U.S.C. §
19 271(a).

20 17. Defendant manufactures, uses, sells, offers for sale, and imports products,
21 including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X,
22 Moto G and Moto E that include one or more of a lock screen coupled with display of radio
23 status information, a standby display of information and/or a touchscreen interaction triggering
24 lock screen activation. Defendant thereby has been and is presently directly and literally
25 infringing the ’749 Patent.

26 18. Should Defendant proffer an interpretation of any claim element that differs from
27 GTS’, GTS intends to show direct infringement of those elements by demonstrating that they are
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1 no more than insubstantial differences between the element and the features of the accused
2 products.

3 19. On information and belief, Defendant's instructions and marketing materials
4 directed to end users of its products encourage use of the claimed features of the '749 Patent.
5 After the date of this action, such actions will constitute inducement of infringement by others
6 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
7 refer to a load that is automatically turned off and a switch that performs different specific
8 functions based on the duration of time it is activated, which encourages the end user to use
9 claimed features of the '749 Patent. More specifically, but not limited thereto, user guides for
10 the products listed under Count II, such as the Droid Maxx, describe how to use a "Power key"
11 button that can be pressed and held to turn on/off the product or pressed to put product
12 components to "sleep" or cause components to "wake up," and how a load is automatically
13 turned off after a "timeout," thereby encouraging the end user to use claimed features of the '749
14 Patent.

15 20. GTS has been damaged as a result of Defendant's infringing conduct described in
16 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
17 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
18 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
19 notice of the '749 Patent since its date of issuance, and GTS seeks recovery for the period
20 consistent with 35 U.S.C. §§ 286 and 287(a).

21 **COUNT III**

22 **INFRINGEMENT OF U.S. PATENT NO. 7,329,970**

23 21. GTS re-alleges and incorporates by reference the allegations set forth in
24 paragraphs 1 through 4.

25 22. This cause of action arises under the patent laws of the United States, and in
26 particular, 35 U.S.C. §§271 *et seq.*

1 23. GTS is the owner by assignment of United States Patent No. 7,329,970 (the “’970
2 Patent”) entitled “Touch Sensor and Location Indicator Circuits.” The ’970 Patent is valid and
3 enforceable and was duly issued on February 12, 2008. Plaintiff has all rights to recover for past
4 and future acts of infringement of the ’970 Patent. A true and correct copy of the ’970 Patent is
5 attached hereto as Exhibit C.

6 24. On information and belief, Defendant has been and now is infringing the ’970
7 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-5,
8 10-14, 19, 48, 49, 51 and 52 through, among other things, the manufacture, use, sale, offers for
9 sale within the United States, and importation of products into the United States, including,
10 without limitation, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and
11 Moto E, which at minimum include every element of claims 1, 3-5, 10-14, 19, 48, 49, 51 and 52
12 of the ’970 Patent. Defendant is thereby liable for infringement of the ’970 Patent pursuant to 35
13 U.S.C. § 271(a).

14 25. Defendant manufactures, uses, sells, offers for sale, and imports products,
15 including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X,
16 Moto G and Moto E that include one or more of a lock screen coupled with display of radio
17 status information, touchscreen interaction triggering lock screen activation and/or a standby
18 display of information. Defendant thereby has been and is presently directly and literally
19 infringing the ’970 Patent.

20 26. Should Defendant proffer an interpretation of any claim element that differs from
21 GTS’s, GTS intends to show direct infringement of those elements by demonstrating that they
22 are no more than insubstantial differences between the element and the features of the accused
23 products.

24 27. On information and belief, Defendant’s instructions and marketing materials
25 directed to end users of its products encourage use of the claimed features of the ’970 Patent.
26 After the date of this action, such actions will constitute inducement of infringement by others
27 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant’s user guides
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1 refer to a load that is automatically turned off and a switch that performs different specific
2 functions based on the duration of time it is activated, which encourages the end user to use
3 claimed features of the '970 Patent. More specifically, but not limited thereto, user guides for
4 the products listed under Count III, such as the Droid Maxx, describe how to use a "Power key"
5 button that can be pressed and held to turn on/off the product or pressed to put product
6 components to "sleep" or cause components to "wake up," and how a load is automatically
7 turned off after a "timeout," thereby encouraging the end user to use claimed features of the '970
8 Patent.

9 28. GTS has been damaged as a result of Defendant's infringing conduct described in
10 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
11 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
12 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
13 notice of the '970 Patent since its date of issuance, and GTS seeks recovery for the period
14 consistent with 35 U.S.C. §§ 286 and 287(a).

15 **COUNT IV**

16 **INFRINGEMENT OF U.S. PATENT NO. 7,781,980**

17 29. GTS re-alleges and incorporates by reference the allegations set forth in
18 paragraphs 1 through 4.

19 30. This cause of action arises under the patent laws of the United States, and in
20 particular, 35 U.S.C. §§271 *et seq.*

21 31. GTS is the owner by assignment of United States Patent No. 7,781,980 (the "'980
22 Patent") entitled "Intelligent User Interface Including a Touch Sensor Device." The '980 Patent
23 is valid and enforceable and was duly issued on August 24, 2010. Plaintiff has all rights to
24 recover for past and future acts of infringement of the '980 Patent. A true and correct copy of the
25 '980 Patent is attached hereto as Exhibit D.

26 32. On information and belief, Defendant has been and now is infringing the '980
27 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-5
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1 and 32 through, among other things, the manufacture, use, sale, offers for sale within the United
2 States, and importation of products into the United States, including, without limitation, Droid
3 Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E, which at minimum
4 include every element of claims 1, 3-5 and 32 of the '980 Patent. Defendant is thereby liable for
5 infringement of the '980 Patent pursuant to 35 U.S.C. § 271(a).

6 33. Defendant manufactures, uses, sells, offers for sale, and imports products,
7 including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X,
8 Moto G and Moto E that include one or more of a lock screen coupled display of radio status
9 information and/or a standby display of information. Defendant thereby has been and is presently
10 directly and literally infringing the '980 Patent.

11 34. Should Defendant proffer an interpretation of any claim element that differs from
12 GTS's, GTS intends to show direct infringement of those elements by demonstrating that they
13 are no more than insubstantial differences between the element and the features of the accused
14 products.

15 35. On information and belief, Defendant's instructions and marketing materials
16 directed to end users of its products encourage use of the claimed features of the '980 Patent.
17 After the date of this action, such actions will constitute inducement of infringement by others
18 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
19 refer to a load that is automatically turned off and a switch that performs different specific
20 functions based on the duration of time it is activated, which encourages the end user to use
21 claimed features of the '980 Patent. More specifically, but not limited thereto, user guides for
22 the products listed under Count IV, such as the Droid Maxx, describe how to use a "Power key"
23 button that can be pressed and held to turn on/off the product or pressed to put product
24 components to "sleep" or cause components to "wake up," and how a load is automatically
25 turned off after a "timeout," thereby encouraging the end user to use claimed features of the '980
26 Patent.

1 36. GTS has been damaged as a result of Defendant's infringing conduct described in
2 this Court. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
3 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
4 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
5 notice of the '980 Patent since its date of issuance, and GTS seeks recovery for the period
6 consistent with 35 U.S.C. §§ 286 and 287(a).

7 **COUNT V**

8 **INFRINGEMENT OF U.S. PATENT NO. 8,288,952**

9 37. GTS re-alleges and incorporates by reference the allegations set forth in
10 paragraphs 1 through 4.

11 38. This cause of action arises under the patent laws of the United States, and in
12 particular, 35 U.S.C. §§271 *et seq.*

13 39. GTS is the owner by assignment of United States Patent No. 8,288,952 (the "'952
14 Patent") entitled "Intelligent User Interface Including a Touch Sensor Device." The '952 Patent
15 is valid and enforceable and was duly issued on October 15, 2012. Plaintiff has all rights to
16 recover for past and future acts of infringement of the '952 Patent. A true and correct copy of the
17 '952 Patent is attached hereto as Exhibit E.

18 40. On information and belief, Defendant has been and now is infringing the '952
19 Patent in this judicial district, and elsewhere in the United States, including at least claims 1-4,
20 14, 16, 17, 19, 22-24, 26, 27 and 38-40 through, among other things, the manufacture, use, sale,
21 offers for sale within the United States, and importation of products into the United States,
22 including, without limitation, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto
23 G and Moto E, which at minimum include every element of claims 1-4, 14, 16, 17, 19, 22-24, 26,
24 27 and 38-40 of the '952 Patent. Defendant is thereby liable for infringement of the '952 Patent
25 pursuant to 35 U.S.C. § 271(a).

26 41. Defendant manufactures, uses, sells, offers for sale, and imports products,
27 including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X,
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1 Moto G and Moto E that include one or more of a lock screen coupled with display of radio
2 information and/or a standby display of information. Defendant thereby has been and is presently
3 directly and literally infringing the '952 Patent.

4 42. Should Defendant proffer an interpretation of any claim element that differs from
5 GTS's, GTS intends to show direct infringement of those elements by demonstrating that they
6 are no more than insubstantial differences between the element and the features of the accused
7 products.

8 43. On information and belief, Defendant's instructions and marketing materials
9 directed to end users of its products encourage use of the claimed features of the '952 Patent.
10 After the date of this action, such actions will constitute inducement of infringement by others
11 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
12 refer to a load that is automatically turned off and a switch that performs different specific
13 functions based on the duration of time it is activated, which encourages the end user to use
14 claimed features of the '952 Patent. More specifically, but not limited thereto, user guides for
15 the products listed under Count V, such as the Droid Maxx, describe how to use a "Power key"
16 button that can be pressed and held to turn on/off the product or pressed to put product
17 components to "sleep" or cause components to "wake up," and how a load is automatically
18 turned off after a "timeout," thereby encouraging the end user to use claimed features of the '952
19 Patent.

20 44. GTS has been damaged as a result of Defendant's infringing conduct described in
21 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
22 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
23 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
24 notice of the '952 Patent since its date of issuance, and GTS seeks recovery for the period
25 consistent with 35 U.S.C. §§ 286 and 287(a).

26 **COUNT VI**

27 **INFRINGEMENT OF U.S. PATENT NO. 7,265,494**

1 45. GTS re-alleges and incorporates by reference the allegations set forth in
2 paragraphs 1 through 4.

3 46. This cause of action arises under the patent laws of the United States, and in
4 particular, 35 U.S.C. §§271 *et seq.*

5 47. GTS is the owner by assignment of United States Patent No. 7,265,494 (the “’494
6 Patent”) entitled “Intelligent User Interface With Touch Sensor Technology.” The ’494 Patent is
7 valid and enforceable and was duly issued on September 4, 2007. Plaintiff has all rights to
8 recover for past and future acts of infringement of the ’494 Patent. A true and correct copy of the
9 ’494 Patent is attached hereto as Exhibit F.

10 48. On information and belief, Defendant has been and now is infringing the ’494
11 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3, 5,
12 12-14, 18, 20, 29, 30, 34 and 35 through, among other things, the manufacture, use, sale, offers
13 for sale within the United States, and importation of products into the United States, including,
14 without limitation, Droid Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum
15 include every element of claims 1, 3, 5, 12-14, 18, 20, 29, 30, 34 and 35 of the ’494 Patent.
16 Defendant is thereby liable for infringement of the ’494 Patent pursuant to 35 U.S.C. § 271(a).

17 49. Defendant manufactures, uses, sells, offers for sale, and imports products,
18 including, but not limited to its Droid Ultra, Droid Mini, Droid Maxx and Moto X that include
19 one or more of a touchscreen interaction triggering lock screen activation and/or a standby
20 display of information. Defendant thereby has been and is presently directly and literally
21 infringing the ’494 Patent.

22 50. Should Defendant proffer an interpretation of any claim element that differs from
23 GTS’s, GTS intends to show direct infringement of those elements by demonstrating that they
24 are no more than insubstantial differences between the element and the features of the accused
25 products.

26 51. On information and belief, Defendant’s instructions and marketing materials
27 directed to end users of its products encourage use of the claimed features of the ’494 Patent.
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1 After the date of this action, such actions will constitute inducement of infringement by others
2 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant’s user guides
3 refer to touch-sensitive buttons which encourages the end user to use claimed features of the
4 ‘494 Patent. More specifically, but not limited thereto, user manuals for the products listed in
5 Count VI, such as the Droid Maxx, describe touch operation of various “keys” on the device,
6 operation of the device without using touch when in its proximity, and a status indicator which
7 indicates product state, thereby encouraging the end user to use claimed features of the ‘494
8 Patent.

9 52. GTS has been damaged as a result of Defendant’s infringing conduct described in
10 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
11 Defendant’s infringement, which by law, cannot be less than a reasonable royalty, together with
12 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
13 notice of the ‘494 Patent since its date of issuance, and GTS seeks recovery for the period
14 consistent with 35 U.S.C. §§ 286 and 287(a).

15 **COUNT VII**

16 **INFRINGEMENT OF U.S. PATENT NO. 8,035,623**

17 53. GTS re-alleges and incorporates by reference the allegations set forth in
18 paragraphs 1 through 4.

19 54. This cause of action arises under the patent laws of the United States, and in
20 particular, 35 U.S.C. §§271 *et seq.*

21 55. GTS is the owner by assignment of United States Patent No. 8,035,623 (the “’623
22 Patent”) entitled “User Interface with Proximity Sensing.” The ’623 Patent is valid and
23 enforceable and was duly issued on October 11, 2011. Plaintiff has all rights to recover for past
24 and future acts of infringement of the ’623 Patent. A true and correct copy of the ’623 Patent is
25 attached hereto as Exhibit G.

26 56. On information and belief, Defendant has been and now is infringing the ’623
27 Patent in this judicial district, and elsewhere in the United States, including at least claims 24 and
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1 31 through, among other things, the manufacture, use, sale, offers for sale within the United
2 States, and importation of products into the United States, including, without limitation, Droid
3 Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum include every element of claims
4 24 and 31 of the '623 Patent. Defendant is thereby liable for infringement of the '623 Patent
5 pursuant to 35 U.S.C. § 271(a).

6 57. Defendant manufactures, uses, sells, offers for sale, and imports products,
7 including, but not limited to its Droid Ultra, Droid Mini, Droid Maxx and Moto X that include
8 touchscreen proximity detection. Defendant thereby has been and is presently directly and
9 literally or under the doctrine of equivalents infringing the '623 Patent.

10 58. Should Defendant proffer an interpretation of any claim element that differs from
11 GTS's, GTS intends to show direct infringement of those elements by demonstrating that they
12 are no more than insubstantial differences between the element and the features of the accused
13 products.

14 59. On information and belief, Defendant's instructions and marketing materials
15 directed to end users of its products encourage use of the claimed features of the '623 Patent.
16 After the date of this action, such actions will constitute inducement of infringement by others
17 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
18 refer to touch-sensitive buttons which encourages the end user to use claimed features of the
19 '623 Patent. More specifically, but not limited thereto, user manuals for the products listed in
20 Count VII, such as the Droid Maxx, describe touch operation of various "keys" on the device,
21 operation of the device without using touch when in its proximity, and a status indicator which
22 indicates product state, thereby encouraging the end user to use claimed features of the '623
23 Patent.

24 60. GTS has been damaged as a result of Defendant's infringing conduct described in
25 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
26 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
27 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
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1 notice of the '623 Patent since its date of issuance, and GTS seeks recovery for the period
2 consistent with 35 U.S.C. §§ 286 and 287(a).

3 **COUNT VIII**

4 **INFRINGEMENT OF U.S. PATENT NO. 7,772,781**

5 61. GTS re-alleges and incorporates by reference the allegations set forth in
6 paragraphs 1 through 4.

7 62. This cause of action arises under the patent laws of the United States, and in
8 particular, 35 U.S.C. §§271 *et seq.*

9 63. GTS is the owner by assignment of United States Patent No. 7,772,781 (the "'781
10 Patent") entitled "Intelligent User Interface With Touch Sensor Technology." The '781 Patent is
11 valid and enforceable and was duly issued on August 10, 2010. Plaintiff has all rights to recover
12 for past and future acts of infringement of the '781 Patent. A true and correct copy of the '781
13 Patent is attached hereto as Exhibit H.

14 64. On information and belief, Defendant has been and now is infringing the '781
15 Patent in this judicial district, and elsewhere in the United States, including at least claims 1-3, 7,
16 8, 10, 17 and 22 through, among other things, the manufacture, use, sale, offers for sale within
17 the United States, and importation of products into the United States, including, without
18 limitation, Droid Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum include every
19 element of claims 1-3, 7, 8, 10, 17 and 22 of the '781 Patent. Defendant is thereby liable for
20 infringement of the '781 Patent pursuant to 35 U.S.C. § 271(a).

21 65. Defendant manufactures, uses, sells, offers for sale, and imports products,
22 including, but not limited to its Droid Ultra, Droid Mini, Droid Maxx and Moto X that include
23 touchscreen proximity detection. Defendant thereby has been and is presently directly and
24 literally or under the doctrine of equivalents infringing the '781 Patent.

25 66. Should Defendant proffer an interpretation of any claim element that differs from
26 GTS's, GTS intends to show direct infringement of those elements by demonstrating that they
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1 are no more than insubstantial differences between the element and the features of the accused
2 products.

3 67. On information and belief, Defendant's instructions and marketing materials
4 directed to end users of its products encourage use of the claimed features of the '781 Patent.
5 After the date of this action, such actions will constitute inducement of infringement by others
6 pursuant to 35 U.S.C. § 271(b). For example, but not limited thereto, Defendant's user guides
7 refer to touch-sensitive buttons which encourages the end user to use claimed features of the
8 '781 Patent. More specifically, but not limited thereto, user manuals for the products listed in
9 Count VIII, such as the Droid Maxx, describe touch operation of various "keys" on the device,
10 operation of the device without using touch when in its proximity, and a status indicator which
11 indicates product state, thereby encouraging the end user to use claimed features of the '781
12 Patent.

13 68. GTS has been damaged as a result of Defendant's infringing conduct described in
14 this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for
15 Defendant's infringement, which by law, cannot be less than a reasonable royalty, together with
16 interest and costs as fixed by this Court under 35 U.S.C. §284. Defendant has had constructive
17 notice of the '781 Patent since its date of issuance, and GTS seeks recovery for the period
18 consistent with 35 U.S.C. §§ 286 and 287(a).

19 CAUSE OF ACTION

20 69. GTS repeats and re-alleges the allegations set forth in Paragraphs 1 through 68 as
21 if those allegations had been set forth herein.

22 70. Defendant, without authorization or license and in violation of 35 U.S.C. § 271(a)
23 and (b) have been and is infringing the '726, '749, '970, '980, '952, '494, '623 and '781 Patents
24 literally or under the doctrine of equivalents, directly or indirectly, including by knowingly or
25 specifically intending to induce infringement by others.

26 71. Defendant's infringement occurring after the date of this action will constitute
27 willful infringement.

1 72. Defendant's unauthorized use of GTS's patented-technology causes GTS harm.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, in consideration of the foregoing, GTS respectfully request that this Honorable
4 Court enter judgment against Defendant, and in favor of GTS. GTS prays that this Court:

5 A. judgment in favor of GTS that Defendant has willfully infringed the '726, '749,
6 '970, '980, '952, '494, '623 and '781 Patents, directly and indirectly, as aforesaid;

7 B. award GTS all relief available under § 284 of the Patent Act, including monetary
8 damages, for Defendant's infringement in an amount to be determined by the trier of fact;

9 C. award GTS all relief available under § 285 of the Patent Act, including the costs
10 of this litigation as well as expert witness and attorneys' fees;

11 D. order payment of all applicable interests, including prejudgment interest; and

12 E. award GTS any equitable relief the Court may deem appropriate.

13 **DEMAND FOR JURY TRIAL**

14 GTS demands a trial by jury of any and all issues triable of right before a jury pursuant to
15 Fed. R. Civ. P. 38.

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18 Dated: September 3, 2015

Respectfully submitted,

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20 /s/ Wilson W. Lin

Wilson W. Lin

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25 ATTORNEYS FOR PLAINTIFF

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