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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.

APPLE INC.,

Defendant.

Case No. 3:15-cv-02748-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 Apple Inc. (“Apple” 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, VA 22182.

2. On information and belief, Apple Inc. is a corporation organized under the laws of the State of California with its principal place of business located at 1 Infinite Loop, Cupertino, California 95014.

JURISDICTION AND VENUE

1 radio status information. Apple thereby has been and is presently directly and literally infringing
2 the '726 Patent.

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

7 11. On information and belief, Apple's instructions and marketing materials directed
8 to end users of its products encourage use of the claimed features of the '726 Patent. After the
9 date of this action, such actions will constitute inducement of infringement by others pursuant to
10 35 U.S.C. § 271(b). For example, but not limited thereto, Apple's user guides refer to a load that
11 is automatically turned off and a switch that performs different specific functions based on the
12 duration of time it is activated, which encourages the end user to use claimed features of the '726
13 Patent. More specifically, but not limited thereto, user guides for the products listed under Count
14 I, such as an iPhone product running iOS ver. 8.4, describe how to use a "Sleep/Wake button"
15 that can be pressed and held to turn on/off the product or pressed to "lock" the product and put
16 product components to "sleep," displays the device as having a lock screen coupled with a
17 display of radio information, and describes how a load is automatically turned off after "a minute
18 or so," thereby encouraging the end user to use claimed features of the '726 Patent.

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

25 COUNT II

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

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

3 14. 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 15. GTS is the owner by assignment of United States Patent No. 7,498,749 (the “’749
6 Patent”) entitled “Intelligent Electrical Switching Device Including a Touch Sensor User
7 Interface Switch.” The ’749 Patent was issued on March 3, 2009. GTS has all rights to recover
8 for past and future acts of infringement of the ’749 Patent. A true and correct copy of the ’749
9 Patent is attached hereto as Exhibit B.

10 16. On information and belief, Apple has been and now is infringing the ’749 Patent
11 in this judicial district, and elsewhere in the United States, including at least claims 21 and 23
12 through, among other things, the manufacture, use, sale, offers for sale within the United States,
13 and importation of products into the United States, including, without limitation, its iPhone and
14 iPad products, which at minimum include every element of claims 21 and 23 of the ’749 Patent.
15 Apple is thereby liable for infringement of the ’749 Patent pursuant to 35 U.S.C. § 271(a).

16 17. Apple manufactures, uses, sells, offers for sale, and imports products, including,
17 but not limited to its iPhone and iPad products that include a lock screen coupled with display of
18 radio information. Apple thereby has been and is presently directly and literally infringing the
19 ’749 Patent.

20 18. Should Apple 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 19. On information and belief, Apple’s instructions and marketing materials directed
25 to end users of its products encourage use of the claimed features of the ’749 Patent. After the
26 date of this action, such actions will constitute inducement of infringement by others pursuant to
27 35 U.S.C. § 271(b). For example, but not limited thereto, Apple’s user guides refer to a load that
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1 19, 48, 49, 51 and 52 through, among other things, the manufacture, use, sale, offers for sale
2 within the United States, and importation of products into the United States, including, without
3 limitation, its iPhone and iPad products, which at minimum include every element of claims 1, 3-
4 5, 10-14, 19, 48, 49, 51 and 52 of the '970 Patent. Apple is thereby liable for infringement of
5 the '970 Patent pursuant to 35 U.S.C. § 271(a).

6 25. Apple manufactures, uses, sells, offers for sale, and imports products, including,
7 but not limited to its iPhone and iPad that include a lock screen coupled with display of radio
8 information. Apple thereby has been and is presently directly and literally infringing the '970
9 Patent.

10 26. Should Apple 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. Apple has had constructive notice of the '970 Patent since its date of issuance, and
14 GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

15 27. On information and belief, Apple's instructions and marketing materials directed
16 to end users of its products encourage use of the claimed features of the '970 Patent. After the
17 date of this action, such actions will constitute inducement of infringement by others pursuant to
18 35 U.S.C. § 271(b). For example, but not limited thereto, Apple's user guides refer to a load that
19 is automatically turned off and a switch that performs different specific functions based on the
20 duration of time it is activated, which encourages the end user to use claimed features of the '970
21 Patent. More specifically, but not limited thereto, user guides for the products listed under Count
22 III, such as an iPhone product running iOS ver. 8.4, describe how to use a "Sleep/Wake button"
23 that can be pressed and held to turn on/off the product or pressed to "lock" the product and put
24 product components to "sleep," displays the device as having a lock screen coupled with a
25 display of radio information, and describes how a load is automatically turned off after "a minute
26 or so," thereby encouraging the end user to use claimed features of the '970 Patent.

1 28. GTS has been damaged as a result of Apple's infringing conduct described in this
2 Count. Apple is thus, liable to GTS in the amount that adequately compensates GTS for Apple's
3 infringement, which by law, cannot be less than a reasonable royalty, together with interest and
4 costs as fixed by this Court under 35 U.S.C. §284. Apple has had constructive notice of the '970
5 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C.
6 §§ 286 and 287(a).

7 **COUNT IV**

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

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

11 30. 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 31. GTS is the owner by assignment of United States Patent No. 7,781,980 (the "'980
14 Patent") entitled "Intelligent User Interface Including a Touch Sensor Device." The '980 Patent
15 is valid and enforceable and was duly issued on August 24, 2010. Plaintiff has all rights to
16 recover for past and future acts of infringement of the '980 Patent. A true and correct copy of the
17 '980 Patent is attached hereto as Exhibit D.

18 32. On information and belief, Apple has been and now is infringing the '980 Patent
19 in this judicial district, and elsewhere in the United States, including at least claims 1, 3-5 and 32
20 through, among other things, the manufacture, use, sale, offers for sale within the United States,
21 and importation of products into the United States, including, without limitation, its iPhone and
22 iPad products, which at minimum includes every element of claims 1, 3-5 and 32 of the '980
23 Patent. Apple is thereby liable for infringement of the '980 Patent pursuant to 35 U.S.C. § 271.

24 33. Apple manufactures, uses, sells, offers for sale, and imports products, including,
25 but not limited to its iPhone and iPad products that include a lock screen coupled with display of
26 radio information. Apple thereby has been and is presently directly and literally infringing the
27 '980 Patent.

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

5 35. On information and belief, Apple's instructions and marketing materials directed
6 to end users of its products encourage use of the claimed features of the '980 Patent. After the
7 date of this action, such actions will constitute inducement of infringement by others pursuant to
8 35 U.S.C. § 271(b). For example, but not limited thereto, Apple's user guides refer to a load that
9 is automatically turned off and a switch that performs different specific functions based on the
10 duration of time it is activated, which encourages the end user to use claimed features of the '980
11 Patent. More specifically, but not limited thereto, user guides for the products listed under Count
12 IV, such as an iPhone product running iOS ver. 8.4, describe how to use a "Sleep/Wake button"
13 that can be pressed and held to turn on/off the product or pressed to "lock" the product and put
14 product components to "sleep," displays the device as having a lock screen coupled with a
15 display of radio information, and describes how a load is automatically turned off after "a minute
16 or so," thereby encouraging the end user to use claimed features of the '980 Patent.

17 36. GTS has been damaged as a result of Apple's infringing conduct described in this
18 Count. Apple is thus, liable to GTS in the amount that adequately compensates GTS for Apple's
19 infringement, which by law, cannot be less than a reasonable royalty, together with interest and
20 costs as fixed by this Court under 35 U.S.C. §284. Apple has had constructive notice of the '980
21 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C.
22 §§ 286 and 287(a).

COUNT V

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

24 37. GTS re-alleges and incorporates by reference the allegations set forth in
25 paragraphs 1 through 4.
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1 38. This cause of action arises under the patent laws of the United States, and in
2 particular, 35 U.S.C. §§271 *et seq.*

3 39. GTS is the owner by assignment of United States Patent No. 8,288,952 (the “’952
4 Patent”) entitled “Intelligent User Interface Including a Touch Sensor Device.” The ’952 Patent
5 is valid and enforceable and was duly issued on October 15, 2012. Plaintiff has all rights to
6 recover for past and future acts of infringement of the ’952 Patent. A true and correct copy of the
7 ’980 Patent is attached hereto as Exhibit E.

8 40. On information and belief, Apple has been and now is infringing the ’952 Patent
9 in this judicial district, and elsewhere in the United States, including at least claims 1-4, 14, 16,
10 17, 19, 22-24, 26, 27 and 38-40 through, among other things, the manufacture, use, sale, offers
11 for sale within the United States, and importation of products into the United States, including,
12 without limitation, its iPhone and iPad products, which at minimum include every element of
13 claims 1-4, 14, 16, 17, 19, 22-24, 26, 27 and 38-40 of the ’952 Patent. Apple is thereby liable for
14 infringement of the ’952 Patent pursuant to 35 U.S.C. § 271.

15 41. Apple manufactures, uses, sells, offers for sale, and imports products, including,
16 but not limited to its iPhone and iPad products that include a lock screen coupled with display of
17 radio information. Apple thereby has been and is presently directly and literally infringing the
18 ’952 Patent.

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

23 43. On information and belief, Apple’s instructions and marketing materials directed
24 to end users of its products encourage use of the claimed features of the ’952 Patent. After the
25 date of this action, such actions will constitute inducement of infringement by others pursuant to
26 35 U.S.C. § 271(b). For example, but not limited thereto, Apple’s user guides refer to a load that
27 is automatically turned off and a switch that performs different specific functions based on the
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1 duration of time it is activated, which encourages the end user to use claimed features of the '952
2 Patent. More specifically, but not limited thereto, user guides for the products listed under Count
3 V, such as an iPhone product running iOS ver. 8.4, describe how to use a "Sleep/Wake button"
4 that can be pressed and held to turn on/off the product or pressed to "lock" the product and put
5 product components to "sleep," displays the device as having a lock screen coupled with a
6 display of radio information, and describes how a load is automatically turned off after "a minute
7 or so," thereby encouraging the end user to use claimed features of the '952 Patent.

8 44. GTS has been damaged as a result of Apple's infringing conduct described in this
9 Count. Apple is thus, liable to GTS in the amount that adequately compensates GTS for Apple's
10 infringement, which by law, cannot be less than a reasonable royalty, together with interest and
11 costs as fixed by this Court under 35 U.S.C. §284. Apple has had constructive notice of the '952
12 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C.
13 §§ 286 and 287(a).

14 **CAUSE OF ACTION**

15 45. GTS repeats and re-alleges the allegations set forth in Paragraphs 1 through 44 as
16 if those allegations had been set forth herein.

17 46. Defendant, without authorization or license and in violation of 35 U.S.C. § 271(a)
18 and (b) has been and is infringing the '726, '749, '970, '980 and '952 Patents literally or under
19 the doctrine of equivalents, directly or indirectly, including by knowingly or specifically
20 intending to induce infringement by others.

21 47. Defendant's infringement occurring after the date of this action will constitute
22 willful infringement.

23 48. Defendant's unauthorized use of GTS's patented-technology causes GTS harm.

24 **PRAYER FOR RELIEF**

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

1 A. judgment in favor of GTS that Defendant has willfully infringed the '726, '749,
2 '970, '980 and '952 Patents, directly and indirectly, as aforesaid;

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

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

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

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

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10 **DEMAND FOR JURY TRIAL**

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

13
14
15 Dated: September 8, 2015

Respectfully submitted,

16
17 /s/ Wilson W. Lin

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21
22 ATTORNEYS FOR PLAINTIFF

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