

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**GLOBAL TOUCH SOLUTIONS, LLC,**

Plaintiff,

v.

**TOSHIBA CORPORATION and  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.,**

Defendant.

Case No.

*2:14CV346  
(MSD)*

2014 JUL -9 PM 3:58  
CLERK OF DISTRICT COURT  
ALEXANDRIA, VIRGINIA

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Global Touch Solutions, LLC ("GTS" or "Plaintiff") makes the following allegations against Toshiba Corporation and Toshiba America Information Systems, Inc. (collectively "Toshiba" or "Defendants").

**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, Toshiba Corporation is a Japanese corporation with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan.
3. On information and belief, Toshiba America Information Systems, Inc. is a wholly-owned subsidiary of Toshiba America, Inc. Toshiba America Information Systems, Inc. is a California corporation with its principal place of business at 9740 Irvine Boulevard, Irvine, CA 92168. On information and belief, Toshiba America Information Systems, Inc. may be served with process by serving its registered agent, C T Corporation System at 818 West Seventh St. 2<sup>nd</sup> Fl., Los Angeles, CA 90017.

**JURISDICTION AND VENUE**

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

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

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

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

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

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

9. On information and belief, Toshiba has been and now is infringing the ’970 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3, and 52 through, among other things, the manufacture, use, sale, offers for sale within the United States, and importation of products into the United States, including, without limitation, Toshiba 1300U Series television; Toshiba 2300U Series Television; Toshiba 7300U Series television; Toshiba

L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, which at minimum include every element of claims 1, 3, and 52 of the '970 Patent. Toshiba is thereby liable for infringement of the '970 Patent pursuant to 35 U.S.C. § 271.

10. Toshiba manufactures, uses, sells, offers for sale, and imports products, including, but not limited to its Toshiba 1300U Series television; Toshiba 2300U Series Television; Toshiba 7300U Series television; Toshiba L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, that include an energy consuming load, a power circuit, a microchip, a switch, and an indicator. Toshiba thereby has been and is presently directly and literally infringing the '970 Patent.

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

12. Toshiba's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '970 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

13. GTS has been damaged as a result of Toshiba's infringing conduct described in this Count. Toshiba is thus, liable to GTS in the amount that adequately compensates GTS for Toshiba's infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. §284.

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

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

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

16. GTS is the owner by assignment of United States Patent No. 7,265,494 (the "'494 Patent") entitled "Intelligent User Interface technology." The '494 Patent was issued on September 4, 2007. Plaintiff has all rights to recover for past and future acts of infringement of the '494 Patent. A true and correct copy of the '494 Patent is attached hereto as Exhibit B.

17. On information and belief, Toshiba has been and now is infringing the '494 Patent in this judicial district, and elsewhere in the United States, including at least claim 1 through, among other things, the manufacture, use, sale, offers for sale within the United States, and importation of products into the United States, including, without limitation, Toshiba L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, which at minimum include every element of claim 1 of the '494 Patent. Toshiba is thereby liable for infringement of the '494 Patent pursuant to 35 U.S.C. § 271.

18. Toshiba manufactures, uses, sells, offers for sale, and imports products, including but not limited to its Toshiba L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, that include an energy consuming load, a power circuit, a microchip, a switch, a touch sensor and an indicator. Toshiba thereby has been and is presently directly and literally infringing the '494 Patent.

19. Should Toshiba proffer an interpretation of any claim element that differs from GTS's, GTS intends to show direct infringement of those elements by demonstrating that there are no more than insubstantial differences between the element and the features of the accused products.

20. Toshiba's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '494 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

21. GTS has been damaged as a result of Toshiba infringing conduct described in this Count. Toshiba is thus, liable to GTS in the amount that adequately compensates GTS for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. §284.

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

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

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

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

25. On information and belief, Toshiba has been and now is infringing the ’749 Patent in this judicial district, and elsewhere in the United States, including at least claims 1 and 21 through, among other things, the manufacture, use, sale, offers for sale within the United States, and importation of products into the United States, including, without limitation, Toshiba L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, which at minimum include every element of claims 1 and 21 of the ’749 Patent. Toshiba is thereby liable for infringement of the ’749 Patent pursuant to 35 U.S.C. § 271.

26. Toshiba manufactures, uses, sells, offers for sale, and imports products, including but not limited to its Toshiba L410US television; Toshiba L412U television; Toshiba L415U television; Toshiba L417U television; Toshiba TL515U television; Toshiba Encore Tablet; Toshiba Excite 7c Tablet; Toshiba Excite Pure; Toshiba Satellite Laptops and Ultrabooks; Toshiba Portege Ultrabook; Toshiba Tecra Laptop, that include an energy consuming load, a power circuit, a microchip, a touch switch, and an indicator. Toshiba thereby has been and is presently directly and literally infringing the ’749 Patent.

27. Should Toshiba proffer an interpretation of any claim element that differs from GTS's, GTS intends to show direct infringement of those elements by demonstrating that there are no more than insubstantial differences between the element and the features of the accused products.

28. Toshiba's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '749 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

29. GTS has been damaged as a result of Toshiba's infringing conduct described in this Count. Toshiba is thus liable to GTS in the amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. §284.

### **CAUSE OF ACTION**

30. GTS repeats and re-alleges the allegations set forth in Paragraphs 1 through 29 as if those allegations had been set forth herein.

31. Defendants, without authorization or license and in violation of 35 U.S.C. § 271(a), (b), and (f) have been and is infringing the '970, '494, and '749 Patents literally or under the doctrine of equivalents, directly or indirectly, including by knowingly or specifically intending to induce infringement by others.

32. Defendants' infringement occurring after the date of this action will constitute willful infringement.

33. Defendants' unauthorized use of GTS's patented-technology causes GTS harm.

**PRAYER FOR RELIEF**

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

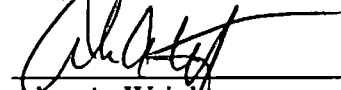
- A. judgment in favor of GTS that each Defendant has infringed the '970, '494, and '749 Patents, directly and indirectly, as aforesaid;
- B. award GTS all relief available under § 284 of the Patent Act, including monetary damages, for Defendants' infringement in an amount to be determined by the trier of fact;
- C. award GTS all relief available under § 285 of the Patent Act, including the costs of this litigation as well as expert witness and attorneys' fees;
- D. order payment of all applicable interests, including prejudgment interest; and
- E. award GTS any equitable relief the Court may deem appropriate.

**DEMAND FOR JURY TRIAL**

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

Dated: July 9, 2014

Respectfully Submitted,



Alan A. Wright

[awright@park-law.com](mailto:awright@park-law.com)

Hae-Chan Park

[hpark@park-law.com](mailto:hpark@park-law.com)

H.C. PARK & ASSOCIATES, PLC

1894 Preston White Drive

Reston, VA 20191

Telephone: (703) 544-9257

Facsimile: (703) 288-5139

**ATTORNEYS FOR PLAINTIFF  
GLOBAL TOUCH SOLUTIONS, LLC**