

FILED

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

2014 AUG -1 P 3:52

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

GLOBAL TOUCH SOLUTIONS, LLC,

Plaintiff,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Case No.

2:14 CV 391 (RGD)

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 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.

JURISDICTION AND VENUE

3. 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).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has 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. 7,994,726

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

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

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

8. On information and belief, Defendant has been and now is infringing the ’726 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-10, 19, 20 and 27 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, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E, which at minimum include every element of claims 1, 3-10, 19, 20 and 27 of the ’726 Patent. Apple is thereby liable for infringement of the ’726 Patent pursuant to 35 U.S.C. § 271(a).

9. Defendant manufactures, uses, sells, offers for sale, and imports products, including, but not limited to its Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E that include one or more of a lock screen coupled with display of radio

status information and/or a standby display of information. Defendant thereby has been and is presently directly and literally infringing the '726 Patent.

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

11. Defendant's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '726 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

12. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '726 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

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

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

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

15. 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 B.

16. On information and belief, Defendant has been and now is infringing the ’749 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 2, 5-7, 14, 15, 21 and 23 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, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E, which at minimum include every element of claims 1, 2, 5-7, 14, 15, 21 and 23 of the ’749 Patent. Defendant is thereby liable for infringement of the ’749 Patent pursuant to 35 U.S.C. § 271(a).

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

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

19. Defendant’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).

20. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '749 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

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

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

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

23. 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 C.

24. On information and belief, Defendant has been and now is infringing the '970 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-5, 10-14, 19, 48, 49, 51 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, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and

Moto E, which at minimum include every element of claims 1, 3-5, 10-14, 19, 48, 49, 51 and 52 of the '970 Patent. Defendant is thereby liable for infringement of the '970 Patent pursuant to 35 U.S.C. § 271(a).

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

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

27. Defendant'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).

28. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '970 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,781,980

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

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

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

32. On information and belief, Defendant has been and now is infringing the ’980 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3-5 and 32 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, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E, which at minimum include every element of claims 1, 3-5 and 32 of the ’980 Patent. Defendant is thereby liable for infringement of the ’980 Patent pursuant to 35 U.S.C. § 271(a).

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

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

35. Defendant's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '980 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

36. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '980 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

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

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

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

39. GTS is the owner by assignment of United States Patent No. 8,288,952 (the "'952 Patent") entitled "Intelligent User Interface Including a Touch Sensor Device." The '952 Patent is valid and enforceable and was duly issued on October 15, 2012. Plaintiff has all rights to

recover for past and future acts of infringement of the '952 Patent. A true and correct copy of the '952 Patent is attached hereto as Exhibit E.

40. On information and belief, Defendant has been and now is infringing the '952 Patent in this judicial district, and elsewhere in the United States, including at least claims 1-4, 14, 16, 17, 19, 22-24, 26, 27 and 38-40 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, Droid Razor, Droid Ultra, Droid Mini, Droid Maxx, Moto X, Moto G and Moto E, which at minimum include every element of claims 1-4, 14, 16, 17, 19, 22-24, 26, 27 and 38-40 of the '952 Patent. Defendant is thereby liable for infringement of the '952 Patent pursuant to 35 U.S.C. § 271(a).

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

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

43. Defendant's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '952 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

44. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '952 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

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

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

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

47. GTS is the owner by assignment of United States Patent No. 7,265,494 (the "'494 Patent") entitled "Intelligent User Interface With Touch Sensor Technology." The '494 Patent is valid and enforceable and was duly 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 F.

48. On information and belief, Defendant has been and now is infringing the '494 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 3, 5, 12-14, 18, 20, 29, 30, 34 and 35 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, Droid Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum include every element of claims 1, 3, 5, 12-14, 18, 20, 29, 30, 34 and 35 of the '494 Patent. Defendant is thereby liable for infringement of the '494 Patent pursuant to 35 U.S.C. § 271(a).

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

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

51. Defendant'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).

52. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '494 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 8,035,623

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

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

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

56. On information and belief, Defendant has been and now is infringing the ’623 Patent in this judicial district, and elsewhere in the United States, including at least claims 24 and 31 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, Droid Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum include every element of claims 24 and 31 of the ’623 Patent. Defendant is thereby liable for infringement of the ’623 Patent pursuant to 35 U.S.C. § 271(a).

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

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

59. Defendant's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '623 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

60. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '623 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 7,772,781

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

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

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

64. On information and belief, Defendant has been and now is infringing the '781 Patent in this judicial district, and elsewhere in the United States, including at least claims 1-3, 7, 8, 10, 17 and 22 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, Droid Ultra, Droid Mini, Droid Maxx and Moto X, which at minimum include every element of claims 1-3, 7, 8, 10, 17 and 22 of the '781 Patent. Defendant is thereby liable for infringement of the '781 Patent pursuant to 35 U.S.C. § 271(a).

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

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

67. Defendant's instructions and marketing materials directed to end users of its products encourage use of the claimed features of the '781 Patent. After the date of this action, such actions will constitute inducement of infringement by others pursuant to 35 U.S.C. § 271(b).

68. GTS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to GTS in the amount that adequately compensates GTS for Defendant'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. Defendant has had constructive notice of the '781 Patent since its date of issuance, and GTS seeks recovery for the period consistent with 35 U.S.C. §§ 286 and 287(a).

CAUSE OF ACTION

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

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

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

72. Defendant's 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 Defendant has willfully infringed the '726, '749, '970, '980, '952, '494, '623 and '781 Patents, directly and indirectly, as aforesaid;

B. award GTS all relief available under § 284 of the Patent Act, including monetary damages, for Defendant's 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: August 1, 2014

Respectfully Submitted,



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