

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

**GLOBAL TOUCH SOLUTIONS, LLC,**

Plaintiff,

v.

**VIZIO, INC.,**

Defendant.

Case No. 2:14-cv-00347 (HCM/LRL)

**JURY TRIAL DEMANDED**

**FIRST AMENDED 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 Vizio, Inc. (“Vizio” 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, Vizio, Inc. is a California corporation with its principal place of business at 39 Tesla, Irvine, CA 92618. On information and belief, Vizio, Inc. may be served with process by serving its registered agent, CT Corporation System at 818 West Seventh St. 2<sup>nd</sup> Floor, Los Angeles, CA 90017.

**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. 7,265,494**

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. 7,265,494 (the “’494 Patent”) entitled “Intelligent User Interface With Touch Sensor Technology.” The ’494 Patent was issued on September 4, 2007. GTS 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 A.

8. On information and belief, Vizio has been and now is infringing the ’494 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 10, and 13 through, among other things, the manufacture, use, and sale, offers for sale within the United States, and importation of products into the United States, including, without limitation, Vizio E190MV, Vizio E220MV, Vizio E260MV, Vizio E260MV-B, Vizio M160MV, Vizio M160MV-B, Vizio 190MV, Vizio M220MV, Vizio M220MV-B, Vizio M260MV, Vizio VM190XVT, Vizio VM230XVT, and Vizio VM230XVT-B, which, at minimum, include every element of claims 1, 10, and 13 of the ’494 Patent. Vizio is thereby liable for infringement of the ’494 Patent pursuant to 35 U.S.C. § 271.

9. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to, its Vizio E190MV, Vizio E220MV, Vizio E260MV, Vizio E260MV-B, Vizio M160MV, Vizio M160MV-B, Vizio 190MV, Vizio M220MV, Vizio M220MV-B, Vizio M260MV, Vizio VM190XVT, Vizio VM230XVT, and Vizio VM230XVT-B that include touch control with illumination features. Vizio thereby has been and is presently directly and literally infringing the '494 Patent.

10. Should Vizio 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.

11. Vizio'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).

12. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio is thus liable to GTS in the amount that adequately compensates it for Vizio'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. Vizio 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 II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,329,970**

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. 7,329,970 (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 B.

16. On information and belief, Vizio has been and now is infringing the ’970 Patent in this judicial district, and elsewhere in the United States, including at least claims 1-6, 8, 10-14, 19, 47-49, 51, and 52 through, among other things, the manufacture, use, and sale, offers for sale within the United States, and importation of Vizio products into the United States.

17. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of televisions that have power indication before screen illumination features that infringe at least claims 1 and 49 of the ’970 Patent. The Vizio televisions that have power indication before screen illumination features, include, without limitation, Vizio D320-B1, Vizio D390-B0, Vizio D500i-B1, Vizio D650i-B2, Vizio E190MV, Vizio E190VA, Vizio E190VA-B, Vizio E191VA, Vizio E220MV, Vizio E220VA-B, Vizio E221-A1, Vizio E221VA, Vizio E231-B1, Vizio E231i-B1, Vizio E240AR, Vizio E240AR-B, Vizio E241-A1, Vizio E241-A1B, Vizio E241-B1, Vizio E241iA1, Vizio E241iA1B, Vizio E241iA1W, Vizio E241i-B1, Vizio E260MV, Vizio E260MV-B, Vizio E260VA, Vizio E260VA-B, Vizio E260VP, Vizio E261VA, Vizio E261VA-B, Vizio E280-A1, Vizio E280-B1, Vizio E280i-A1, Vizio E280i-B1, Vizio E291-A1, Vizio E291-A1B, Vizio E291i-A1, Vizio E320AR, Vizio E320AR-B, Vizio E320-A1, Vizio E320-B0, Vizio E320-B0-B, Vizio E320-B0E,

Vizio E320-B1, Vizio E320-B2, Vizio E320fi-B2, Vizio E320i-A0, Vizio E320i-A2, Vizio E320i-B0, Vizio E320i-B1, Vizio E320i-B2, Vizio E320ME, Vizio E320VA, Vizio E320VA-B, Vizio E320VL, Vizio E320VL-B, Vizio E320VP, Vizio E320VP-B, Vizio E321ME, Vizio E321MV, Vizio E321VA, Vizio E321VL, Vizio E321VL-B, Vizio E320VL-NA, Vizio E322AR, Vizio E322AR-B, Vizio E322MV, Vizio E322VL, Vizio E370-A0, Vizio E370-A0-B, Vizio E370VA, Vizio E370VA-B, Vizio E370VL, Vizio E370VLE, Vizio E370VLE-B, Vizio E371VA, Vizio E371VA-B, Vizio E371VL, Vizio E371VL-B, Vizio E390A1, Vizio E390-A1B, Vizio E390-B0, Vizio E390-B1, Vizio E390-B1E, Vizio E390i-1A, Vizio E390i-A1B, Vizio E390i-B0, Vizio E390i-B1, Vizio E390i-B1E, Vizio E390VL, Vizio E390VL-B, Vizio E400-B2, Vizio E400i-B2, Vizio E401i-A2, Vizio E420-A0, Vizio E420-A0-B, Vizio E420AR, Vizio E420-B1, Vizio E420d-A0, Vizio E420d-A0-B, Vizio E420i-A0, Vizio E420i-A0-B, Vizio E420i-A1, Vizio E420i-A1B, Vizio E420i-B0, Vizio E420ME, Vizio E420VA, Vizio E-420VA-B, Vizio E420VL, Vizio E420VO, Vizio E420VO-B, Vizio E421VA, Vizio E421VL, Vizio E422VLE, Vizio E421ME, Vizio E461-A1, Vizio E470-A0, Vizio E470-A0-B, Vizio E470i-A0, Vizio E470i-A0-B, Vizio E470VA, Vizio E470VA-B, Vizio E470VA-B, Vizio E470VL, Vizio E470VL-B, Vizio E470VLE, Vizio E470VLE-B, Vizio E470VLE-NA, Vizio E471VLE, Vizio E471VLE-B, Vizio E472VL, Vizio E472VL-B, Vizio E472VLE, Vizio E472VLE-B, Vizio E480-B2, Vizio E480i-B2, Vizio E500AR, Vizio E500d-A0, Vizio E500i-A0, Vizio 500i-A1, Vizio E500i-B1, Vizio E500i-B1E, Vizio E500i-B1EB, Vizio E520AR, Vizio e550i-A0, Vizio e550i-A0B, Vizio e550i-A0E, Vizio e550i-B2, Vizio E550i-B2E, Vizio E550VA, Vizio E550VA-B, VizioE550VL, Vizio E550VL-B, Vizio E551d-A0, Vizio E551i-A2, Vizio E551VA, Vizio E551VL, Vizio E552VL, Vizio E552VL-B, Vizio E552VLE, E600i-B3, Vizio E601i-B3, Vizio E601i-A3B, Vizio E601i-A3E, Vizio E650i-A2, Vizio E650i-B2, Vizio E700i-B3, Vizio

E701i-A3, Vizio E701i-A3E, Vizio M160MV, Vizio M160MV-B, Vizio M190VA, Vizio M190VA-B, Vizio M190VA-W, Vizio M190VA-W-B, Vizio M190MV, Vizio M220MV, Vizio M220MV-B, Vizio M220NV, Vizio M220VA, Vizio M220VA-B, Vizio M220VA-W, Vizio M220VA-W-B, Vizio M221NV, Vizio M260MV, Vizio M260VA-B, Vizio M260VA-W, Vizio M260VA-W-B, Vizio M260VP, Vizio M260VP-B, Vizio M261VP, Vizio M261VP-B, Vizio M320NV, Vizio M320SL, Vizio M320SR, Vizio M320VT, Vizio M320VT-B, Vizio M321i-A2, Vizio M322i-B1, Vizio M370NV, Vizio M370SL, Vizio M370SR, Vizio M370VT, Vizio M370VT-B, Vizio M3D420SR, Vizio M3D421SR, Vizio M3D460SR, Vizio M3D470KD, Vizio M3D470KDE, Vizio M3D550KD, Vizio M3D470KDE, Vizio M3D550KD-B, Vizio M3D550KDE, Vizio M3D550KDE-B, VizioM3D550SR, Vizio M3D650SV, Vizio M3D650SV-B, Vizio M3D651SV, Vizio M401i-A3, Vizio M420KD, Vizio M420NV, Vizio M420NV-B, Vizio M421NV, Vizio M421VT, Vizio M421VT-B, Vizio M422i-B1, Vizio M470NV, Vizio M470SL, Vizio M470SL-B, Vizio M470SV, Vizio M470VSE, Vizio M470VT, Vizio M470VT-B, Vizio M471i-A2, Vizio M492i-B2, Vizio 501d-A2, Vizio M501d-A2R, Vizio M502i-B1, Vizio M550NV, Vizio M550NV-B, Vizio M550SL, Vizio M550SL-B, Vizio M550SV, Vizio M550SV-B, Vizio M550SVE, Vizio M551d-A2, Vizio M551d-A2R, Vizio M552i-B2, Vizio M601d-A3, Vizio M601d-A3R, Vizio M602i-B3, Vizio M650VSE, Vizio M651d-A2, Vizio M651d-A2R, Vizio M652i-B2, Vizio M701d-A3, Vizio M701d-A3R, Vizio M702i-B3, Vizio M801d-A3, Vizio M801d-A3R, Vizio M801i-A3, Vizio P42HDTV20A, Vizio P50HDTV20A, Vizio VM190XVT, Vizio VM230XVT, Vizio VM230XVT-B, Vizio XVT323SV, Vizio XVT323SV-B, Vizio XVT37SSV-B, Vizio XVT3D424SV, Vizio XVT3D424SV-B, Vizio XVT3D474SV, Vizio XVT3D474SV-B, Vizio XVT3D554SV, Vizio XVT3D554SV-B, Vizio XVT3D580CM, Vizio XVTED650SV, Vizio XVT3D650SV-B, Vizio XVT423SV, Vizio

XVT423SV-B, Vizio XVT472SV, Vizio XVT473SV, and Vizio XVT553SV, which, at minimum, include every element of claims 1 and 49 of the '970 Patent. Vizio thereby has been and is presently directly and literally infringing the '970 Patent. Vizio is thereby liable for infringement of the '970 Patent pursuant to 35 U.S.C. § 271.

18. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of televisions that have touch control with illumination features that infringe at least claims 1-6, 8, 10, 11, 47, 49, and 52 of the '970 Patent. The Vizio televisions that have touch control with illumination features, include, without limitation, Vizio E190MV, Vizio E220MV, Vizio E260MV, Vizio E260MV-B, Vizio M160MV, Vizio M160MV-B, Vizio 190MV, Vizio M220MV, Vizio M220MV-B, Vizio M260MV, Vizio VM190XVT, Vizio VM230XVT, and Vizio VM230XVT-B, which, at minimum, include every element of claims 1-6, 8, 10, 11, 47, 49, and 52 of the '970 Patent. Vizio thereby has been and is presently directly and literally infringing the '970 Patent. Vizio is thereby liable for infringement of the '970 Patent pursuant to 35 U.S.C. § 271.

19. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of tablets and laptops that have a lock screen coupled with display of radio status information features that infringe at least claims 1, 3-5, 10-14, 19, 48, 49, 51, and 52 of the '970 Patent. The Vizio tablets and laptops that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1, which, at minimum, include every element of claims 1, 3-5, 10-14, 19, 48, 49, 51, and 52 of the '970 Patent. Vizio thereby has been and is presently directly and literally infringing

the '970 Patent. Vizio is thereby liable for infringement of the '970 Patent pursuant to 35 U.S.C. § 271.

20. Should Vizio 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.

21. Vizio'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).

22. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio is thus liable to GTS in the amount that adequately compensates it for Vizio'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. Vizio 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 III**  
**INFRINGEMENT OF U.S. PATENT NO. 7,498,749**

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

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

25. 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. Plaintiff 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.

26. On information and belief, Vizio has been and now is infringing the '749 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 6, 14, 21, and 23 through, among other things, the manufacture, use, and sale, offers for sale within the United States, and importation of Vizio products into the United States.

27. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of televisions that have touch control with illumination features that infringe at least claims 1, 16, 14, and 21 of the '749 Patent. The Vizio televisions that have touch control with illumination features, include, without limitation, Vizio E190MV, Vizio E220MV, Vizio E260MV, Vizio E260MV-B, Vizio M160MV, Vizio M160MV-B, Vizio 190MV, Vizio M220MV, Vizio M220MV-B, Vizio M260MV, Vizio VM190XVT, Vizio VM230XVT, and Vizio VM230XVT-B, which, at minimum, include every element of at least claims 1, 16, 14, and 21 of the '749 Patent. Vizio thereby has been and is presently directly and literally infringing the '749 Patent. Vizio is thereby liable for infringement of the '749 Patent pursuant to 35 U.S.C. § 271.

28. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of tablets and laptops that have a lock screen coupled with display of radio status information features that infringe at least claims 21 and 23 of the '749 Patent. The Vizio tablets and laptops that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1 which, at minimum, include every element of claims 21 and 23 of the '749 Patent. Vizio thereby has

been and is presently directly and literally infringing the '749 Patent. Vizio is thereby liable for infringement of the '749 Patent pursuant to 35 U.S.C. § 271.

29. Should Vizio proffer an interpretation of any claim element of the '749 Patent 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.

30. Vizio'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).

31. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio 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. Vizio 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 IV**  
**INFRINGEMENT OF U.S. PATENT NO. 7,781,980**

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

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

34. 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 was 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.

35. On information and belief, Vizio 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, and sale, offers for sale within the United States, and importation of products into the United States, including, but not limited to, Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1 which, at minimum, include every element of at least claims 1, 3-5, and 32 of the '980 Patent. Vizio is thereby liable for infringement of the '980 Patent pursuant to 35 U.S.C. § 271.

36. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to its Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1 that have a lock screen coupled with display of radio status information features. Vizio thereby has been and is presently directly and literally infringing the '980 Patent.

37. Should Vizio proffer an interpretation of any claim element of the '980 Patent 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.

38. Vizio'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).

39. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio 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. Vizio 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. 7,994,726**

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

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

42. 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 was issued on August 9, 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 E.

43. On information and belief, Vizio has been and now is infringing the '726 Patent in this judicial district, and elsewhere in the United States, including at least claims 1, 2-10, 19, 20, and 27 through, among other things, the manufacture, use, and sale, offers for sale within the United States, and importation of Vizio products into the United States.

44. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of products that have a lock screen coupled with display of radio status information features that infringe at least claims 1,3-10, 19, 20, and 27 of the '726

Patent. The Vizio products that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1, which, at minimum, include every element of claims 1, 3-10, 19, 20, and 27 of the '726 Patent. Vizio thereby has been and is presently directly and literally infringing the '726 Patent. Vizio is thereby liable for infringement of the '726 Patent pursuant to 35 U.S.C. § 271.

45. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of products that have a lock screen coupled with display of radio status information features that infringe at least claims 1, 2, 4-7, 19, 20, and 27 of the '726 Patent. The Vizio products that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio CA24T-A3, Vizio CA24T-A4, Vizio CA24T-B0, Vizio CA24T-B1, Vizio CA24T-C1, Vizio CA27T-A5, and Vizio CA27T-B1, which, at minimum, include every element of claims 1, 2, 4-7, 19, 20, and 27 of the '726 Patent. Vizio thereby has been and is presently directly and literally infringing the '726 Patent. Vizio is thereby liable for infringement of the '726 Patent pursuant to 35 U.S.C. § 271.

46. Should Vizio proffer an interpretation of any claim element of the '726 Patent 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.

47. Vizio'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).

48. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio 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. Vizio 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 VI**  
**INFRINGEMENT OF U.S. PATENT NO. 8,288,952**

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

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

51. 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 was 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 F.

52. On information and belief, Vizio 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, and sale, offers for sale within the United States, and importation of Vizio products into the United States.

53. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of products that have a lock screen coupled with display of radio status information features that infringe at least claims 1-4, 14, 16, 17, 19, 22-24, 26, 27,

and 38-40 of the '952 Patent. The Vizio products that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio VTAB1008, Vizio MT11X-A1, Vizio CT14T-B0, Vizio CT14T-B1, Vizio CT15T-B0, Vizio CT15T-B1, and Vizio CT15T-C1, 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. Vizio thereby has been and is presently directly and literally infringing the '952 Patent. Vizio is thereby liable for infringement of the '952 Patent pursuant to 35 U.S.C. § 271.

54. Vizio manufactures, uses, sells, offers for sale, and imports products, including, but not limited to the following list of products that have a lock screen coupled with display of radio status information features that infringe at least claims 1-4, 14, 17, 22-24, 26, 27, 38, and 39 of the '952 Patent. The Vizio products that have a lock screen coupled with display of radio status information features, include, without limitation, Vizio CA24T-A3, Vizio CA24T-A4, Vizio CA24T-B0, Vizio CA24T-B1, Vizio CA24T-C1, Vizio CA27T-A5, and Vizio CA27T-B1, which, at minimum, include every element of claims 1-4, 14, 17, 22-24, 26, 27, 38, and 39 of the '952 Patent. Vizio thereby has been and is presently directly and literally infringing the '952 Patent. Vizio is thereby liable for infringement of the '952 Patent pursuant to 35 U.S.C. § 271

55. Should Vizio proffer an interpretation of any claim element of the '952 Patent 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.

56. Vizio'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).

57. GTS has been damaged as a result of Vizio's infringing conduct described in this Count. Vizio 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. Vizio 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).

### **CAUSE OF ACTION**

58. GTS repeats and re-alleges the allegations set forth in Paragraphs 1 through 57 as if those allegations had been set forth herein.

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

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

61. 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 infringed the '494, '970, '749, '980, '726 and '952 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: September 16, 2014

Respectfully Submitted,

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