

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Touchscreen Gestures LLC,

Plaintiff,

v.

**LG Electronics, Inc. and LG Electronics
MobileComm U.S.A., Inc.;**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Touchscreen Gestures, LLC for its Complaint against LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. (referred to collectively as “LG” in the singular or “Defendants” in the plural), demands a trial by jury and alleges as follows:

PARTIES

1. Touchscreen Gestures, LLC is a Texas Limited Liability Company.
2. On information and belief, Defendant LG Electronics, Inc. is a Republic of Korea limited company with its principal place of business in LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul, South Korea. On information and belief, LG Electronics, Inc. is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information and belief, LG Electronics, Inc. resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. LG Electronics, Inc. may be served with process in Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November

15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). LG Electronics, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the State of California with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632. This defendant has appointed Alan K. Tse, 10101 Old Grove Road, San Diego, CA 92131 as its agent for service of process. LG Electronics MobileComm U.S.A., Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, LG has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling of touch screen devices including those devices commonly referred to as “smartphones” and “tablets.”

6. On information and belief, LG is subject to this Court’s general and specific personal jurisdiction because: LG has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute,

Defendants have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; LG regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and Touchscreen Gestures, LLC's causes of action arise directly from LG's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,184,031

7. Touchscreen Gestures, LLC is the owner of all rights, title and interest to United States Patent Nos. 7,184,031 ("the '031 Patent") entitled "Method and Controller for Identifying a Drag Gesture." The '031 Patent was issued on February 27, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '031 Patent was filed on July 6, 2004. Attached as Exhibit "A" is a copy of the '031 Patent.

8. The '031 Patent is generally directed to novel, unique and non-obvious methods, controllers and gesture units for identifying a drag gesture on a touch device, such as smartphone or tablet.

9. On information and belief, LG has been and now is infringing the '031 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods, controllers and gesture units according to the '031 Patent. On information and belief, examples of LG products that infringe the '031 Patent include, but are not limited to, the LG "Optimus Plus"; "Optimus M"; "Optimun M+"; "Optimus Q"; "Optimus One"; "Optimus Slider"; "Optimus C"; "Optimus V"; "Optimus U"; "Optimus S"; "Optimus T"; "Elite"; "Viper"; "Lucid"; "Nitro"; "Spectrum"; "Marquee"; "Ignite"; "myTouch"; "myTouch Q"; "Doubleplay"; "Esteem"; "Elighten"; "Thrill";

“Revolution”; “Genesis”; “G2x”; “Thrive”; “Phoenix”; “Axis”; “Apex”; “Vortex”; and “Ally” smartphones as well as the LG “Optimus” and “G-Slate” tablets which allow the identification of drag gestures via methods, controllers and gestures units that infringe claims of the ‘031 Patent. LG is thus liable for infringement of the ‘031 Patent pursuant to 35 U.S.C. § 271.

10. To the extent that facts learned in discovery show that LG’s infringement of the ‘031 Patent is or has been willful, Touchscreen Gestures, LLC reserves the right to request such a finding at time of trial.

11. As a result of LG’s infringement of the ‘031 Patent, Touchscreen Gestures, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless LG’s infringing activities are enjoined by this Court.

12. Unless a permanent injunction is issued enjoining LG and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the ‘031 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,180,506

13. Touchscreen Gestures, LLC is the owner of all rights, title and interest to United States Patent Nos. 7,180,506 (“the ‘506 Patent”) entitled “Method for Identifying a Movement of Single Tap on a touch Device.” The ‘506 Patent was issued on February 20, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the ‘506 Patent was filed on February 12, 2004. Attached as Exhibit “B” is a copy of the ‘506 Patent.

14. The '506 Patent is generally directed to novel, unique and non-obvious methods and controllers of identifying a movement of single tap which is a movement done with at least an object contacting a touch device, such as smartphone or tablet.

15. On information and belief, LG has been and now is infringing the '506 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods and controllers according to the '031 Patent. On information and belief, examples of LG products that infringe the '506 Patent include, but are not limited to, the LG "Optimus Plus"; "Optimus M"; "Optimun M+"; "Optimus Q"; "Optimus One"; "Optimus Slider"; "Optimus C"; "Optimus V"; "Optimus U"; "Optimus S"; "Optimus T"; "Elite"; "Viper"; "Lucid"; "Nitro"; "Spectrum"; "Marquee"; "Ignite"; "myTouch"; "myTouch Q"; "Doubleplay"; "Esteem"; "Elighten"; "Thrill"; "Revolution"; "Genesis"; "G2x"; "Thrive"; "Phoenix"; "Axis"; "Apex"; "Vortex"; and "Ally" smartphones as well as the LG "Optimus" and "G-Slate" tablets which allow the identification of a movement of single tap which is a movement done with at least an object contacting a touch device and which therefore infringe claims of the '506 Patent. LG is thus liable for infringement of the '506 Patent pursuant to 35 U.S.C. § 271.

16. To the extent that facts learned in discovery show that LG's infringement of the '506 Patent is or has been willful, Touchscreen Gestures, LLC reserves the right to request such a finding at time of trial.

17. As a result of LG's infringement of the '506 Patent, Touchscreen Gestures, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless LG's infringing activities are enjoined by this Court.

18. Unless a permanent injunction is issued enjoining LG and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '506 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 7,190,356

19. Touchscreen is the owner of all rights, title and interest to United States Patent Nos. 7,190,356 ("the '356 Patent") entitled "Method and Controller for Identifying Double Tap Gestures." The '356 Patent was issued on March 13, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '356 Patent was filed on February 12, 2004. Attached as Exhibit "C" is a copy of the '356 Patent.

20. The '356 Patent is generally directed to novel, unique and non-obvious methods and controllers of identifying double tap gestures on a touch device movement of single tap which is a movement done with at least an object contacting a touch device, such as smartphone or tablet.

21. On information and belief, LG has been and now is infringing the '356 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods and controllers according to the '356 Patent. On information and belief, examples of LG products that infringe the '356 Patent include, but are not limited to, the LG "Optimus Plus"; "Optimus M"; "Optimun M+"; "Optimus Q"; "Optimus One"; "Optimus Slider"; "Optimus C"; "Optimus V"; "Optimus U"; "Optimus S"; "Optimus T"; "Elite"; "Viper"; "Lucid"; "Nitro"; "Spectrum"; "Marquee"; "Ignite"; "myTouch"; "myTouch Q"; "Doubleplay"; "Esteem"; "Elighten"; "Thrill"; "Revolution"; "Genesis"; "G2x"; "Thrive"; "Phoenix"; "Axis"; "Apex"; "Vortex"; and "Ally"

smartphones as well as the LG “Optimus” and “G-Slate” tablets which allow the identification of double tap gestures on a touch device and which therefore infringe claims of the ‘356 Patent. LG is thus liable for infringement of the ‘356 Patent pursuant to 35 U.S.C. § 271.

22. To the extent that facts learned in discovery show that LG’s infringement of the ‘356 Patent is or has been willful, Touchscreen Gestures, LLC reserves the right to request such a finding at time of trial.

23. As a result of LG’s infringement of the ‘356 Patent, Touchscreen Gestures, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless LG’s infringing activities are enjoined by this Court.

24. Unless a permanent injunction is issued enjoining LG and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the ‘356 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 7,319,457

25. Touchscreen Gestures, LLC is the owner of all rights, title and interest to United States Patent Nos. 7,319,457 (“the ‘457 Patent”) entitled “Method of Scrolling Window Screen by Means of Controlling Electronic Device.” The ‘457 Patent was issued on January 15, 2008 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the ‘457 Patent was filed on February 12, 2004. Attached as Exhibit “D” is a copy of the ‘457 Patent.

26. The '457 Patent is generally directed to novel, unique and non-obvious methods and electronic devices of scrolling a window screen, such as those on a smartphone or tablet.

27. On information and belief, LG has been and now is infringing the '457 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods and electronic devices according to the '356 Patent. On information and belief, examples of LG products that infringe the '356 Patent include, but are not limited to, the LG "Optimus Plus"; "Optimus M"; "Optimun M+"; "Optimus Q"; "Optimus One"; "Optimus Slider"; "Optimus C"; "Optimus V"; "Optimus U"; "Optimus S"; "Optimus T"; "Elite"; "Viper"; "Lucid"; "Nitro"; "Spectrum"; "Marquee"; "Ignite"; "myTouch"; "myTouch Q"; "Doubleplay"; "Esteem"; "Elighten"; "Thrill"; "Revolution"; "Genesis"; "G2x"; "Thrive"; "Phoenix"; "Axis"; "Apex"; "Vortex"; and "Ally" smartphones as well as the LG "Optimus" and "G-Slate" tablets which allow users to scroll window screens of a touch device and which therefore infringe claims of the '457 Patent. LG is thus liable for infringement of the '457 Patent pursuant to 35 U.S.C. § 271.

28. To the extent that facts learned in discovery show that LG's infringement of the '457 Patent is or has been willful, Touchscreen Gestures, LLC reserves the right to request such a finding at time of trial.

29. As a result of LG's infringement of the '457 Patent, Touchscreen Gestures, LLC has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless LG's infringing activities are enjoined by this Court.

30. Unless a permanent injunction is issued enjoining LG and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '457 Patent, Touchscreen Gestures, LLC will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Touchscreen Gestures, LLC respectfully requests that this Court enter:

A. A judgment in favor of Touchscreen Gestures, LLC that LG has infringed the '031 Patent, the '506 Patent, the '356 Patent, and the '457 Patent, and that such infringement was willful;

B. A permanent injunction enjoining LG and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '031 Patent, the '506 Patent, the '356 Patent, and the '457 Patent;

C. A judgment and order requiring LG to pay Touchscreen Gestures, LLC its damages, costs, expenses, and prejudgment and post-judgment interest for LG infringement of the '031 Patent, the '506 Patent, the '356 Patent, and the '457 Patent as provided under 35 U.S.C. § 284;

D. An award to Touchscreen Gestures, LLC for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Touchscreen Gestures, LLC its reasonable attorneys' fees; and

F. Any and all other relief to which Touchscreen Gestures, LLC may show itself to be entitled.

DEMAND FOR JURY TRIAL

Touchscreen Gestures, LLC, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 2, 2012

Respectfully submitted,

TOUCHSCREEN GESTURES, LLC

/s/ Winston O. Huff

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CERTIFICATE OF FILING

I hereby certify that on July 2, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff

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