

FILED

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

GLOBAL TOUCH SOLUTIONS, LLC,

Plaintiff,

v.

VIZIO, INC.,

Defendant.

Case No.

2:14CV347
(HCM-LRL)

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 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 Delaware 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, the Corporation Trust Company at Corporation Trust Center 1209 Orange St. Wilmington, DE 19801.

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. 7,329,970

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. 7,329,970 (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.

8. 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, 3, and 52 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 E241iA1 television; Vizio E320iB2 television; Vizio E390A1 television; Vizio E420iB0 television; Vizio E550i-B2 television; Vizio M471i-A2 television; Vizio M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, which at minimum include every element of claims 1, 3, and 52 of the ’970 Patent. Vizio is thereby liable for infringement of the ’970 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 E241iA1 television; Vizio E320iB2 television; Vizio E390A1 television; Vizio E420iB0 television; Vizio E550i-B2 television; Vizio M471i-A2 television; Vizio M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, that include an energy consuming load, a power circuit, a microchip, a switch, and an indicator. Vizio thereby has been and is presently directly and literally infringing the '970 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 '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).

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.

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

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. 7,265,494 (the “’494 Patent”) entitled “Intelligent User Interface 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 B.

16. 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 claim 1 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 M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, which at minimum include every element of claim 1 of the ’494 Patent. Vizio is thereby liable for infringement of the ’494 Patent pursuant to 35 U.S.C. § 271. Vizio manufactures, uses, sells, offers for sale, and imports products, including but not limited to its Vizio M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, that include an energy consuming load, a power circuit, a microchip, a switch, a touch sensor and an indicator. Vizio thereby has been and is presently directly and literally infringing the ’494 Patent.

17. 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.

18. 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).

19. 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.

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

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

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

22. 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.

23. 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 and 21 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

M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, which at minimum include every element of at least claims 1 and 21 of the '749 Patent. Vizio is thereby liable for infringement of the '749 Patent pursuant to 35 U.S.C. § 271.

24. Vizio manufactures, uses, sells, offers for sale, and imports products, including but not limited to its Vizio M260MV television; Vizio M160MV television; Vizio E220MV television; Vizio E260MV television; Vizio VM190XVT television; Vizio VM230XVT television; Vizio Tablet PC; Vizio Thin + Light Touch PC; Vizio All-in-One Touch PC, that include an energy consuming load, a power circuit, a microchip, a touch switch, and an indicator. Vizio thereby has been and is presently directly and literally infringing the '749 Patent.

25. 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.

26. 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).

27. 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.

CAUSE OF ACTION

28. GTS repeats and re-alleges the allegations set forth in Paragraphs 1 through 27 as if those allegations had been set forth herein.

29. Defendant, without authorization or license and in violation of 35 U.S.C. § 271(a), (b), and (f), has 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.

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

31. 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:

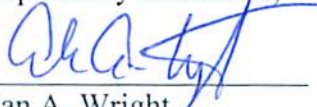
- A. judgment in favor of GTS that Defendant has infringed the '970, '494, and '749 Patents, directly and indirectly, as aforesaid;
- B. award GTS all relief available under § 284 of the Patent Act, including monetary damages, for Defendant's infringement in an amount to be determined by the trier of 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: July 9, 2014

Respectfully Submitted,



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**ATTORNEYS FOR PLAINTIFF
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