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Attorneys for Plaintiff
Ancora Technologies, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANCORA TECHNOLOGIES,
INC.

Plaintiff,

v.

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE
COMMUNICATION CO.,
LTD., and SHENZHEN TCL
CREATIVE CLOUD
TECHNOLOGY CO., LTD.,

Defendants.

**Case No. 8:19-cv-02192-GW-ASx
(LEAD CASE)**

Consolidated Case No.:
Case No. 2:20-cv-01252-GW-ASx

[Hon. George H. Wu]

**ANCORA TECHNOLOGIES, INC.'S
ANSWER TO TCL'S
COUNTERCLAIMS TO SECOND
AMENDED COMPLAINT**

1 Plaintiff/Counter-Defendant Ancora Technologies, Inc. (“Ancora”)
2 respectfully submits the following Answer to Defendants TCT Mobile (US) Inc.,
3 Huizhou TCL Mobile Communication Co. Ltd., and Shenzhen TCL Creative Cloud
4 Technology Co., Ltd. (collectively “TCL”) Amended Counterclaims:

5
6 **THE PARTIES**

7 1. Counterclaimant Huizhou TCL Mobile Communication Co. Ltd. is a
8 company organized and existing under the laws of the People’s Republic of China
9 and maintains its principal place of business at No. 86 Hechang Qi Lu Xi, Zhongkai
10 Gaoxin District, Huizhou City, Guangdong Province, P.R. China.

11 **ANSWER:** Admitted.

12
13
14 2. Counterclaimant TCT Mobile (US) Inc. is a corporation organized and
15 existing under the laws of Delaware, United States and has its principal place of
16 business at 25 Edelman, Suite 200, Irvine, CA 92618.

17 **ANSWER:** Admitted.

18
19
20 3. Shenzhen TCL Creative Cloud Technology Co., Ltd. is a company
21 existing under the laws of the People’s Republic of China with a principal place of
22 business at 7F, Block F4, TCL Communication Technology Building, TCL
23
24

1 International E-city, Zhong Shan Yuan Road, Nanshan District, Shenzhen,
2 Guangdong, P.R. China.

3 **ANSWER:** Admitted.

4
5 4. Upon information and belief, Ancora is a corporation organized and
6 existing under the laws of the State of Delaware with a place of business at 23977
7 S.E. 10th Street, Sammamish, Washington 98075.

8
9 **ANSWER:** Admitted.

10
11
12 **JURISDICTION AND VENUE**

13 5. TCL seeks declaratory judgment of non-infringement and invalidity of
14 U.S. Patent No. 6,411,941 (“the ’941 patent”). This Court has subject matter
15 jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a),
16 1367(a), 2201, and 2202.

17
18 **ANSWER:** Admitted.

19
20 6. This Court has personal jurisdiction over Ancora because it consented
21 to jurisdiction of this Court by stipulation with TCL to transfer this action from the
22 Eastern District of Texas to the Central District of California.
23
24

1 **ANSWER:** Denied, but Ancora does not challenge personal jurisdiction in this
2 lawsuit.

3
4 7. Venue for these Counterclaims is proper in this District because Ancora
5 consented to the propriety of venue in this District by stipulation with TCL to
6 transfer this action from the Eastern District of Texas to the Central District of
7 California.

8
9 **ANSWER:** Denied, but Ancora does not challenge venue in this lawsuit.

10
11 **COUNTERCLAIM COUNT I**

12 **(Declaratory Judgment of Non-Infringement of '941 Patent)**

13
14 8. TCL incorporates and re-alleges paragraphs 1–51 of its Answer, each of
15 its Defenses, and paragraph 1–7 of its Counterclaims.

16 **ANSWER:** Ancora incorporates its allegations and responses to the identified
17 paragraphs herein.

18
19 9. As reflected in the Second Amended Complaint and TCL's Answer
20 thereto, an actual controversy exists with respect to the alleged infringement of the
21 '941 patent.

22
23 **ANSWER:** Admitted.

1
2 10. The '941 patent expired on or about October 1, 2018.

3 **ANSWER:** Admitted.

4
5 11. Although Ancora alleges in its Second Amended Complaint that TCL
6 infringed the claims of the '941 patent, TCL has denied these allegations and
7 contends that TCL has not infringed, and does not infringe, any valid and
8 enforceable claim of the '941 patent, directly, indirectly, literally, or under the
9 doctrine of equivalents. A justiciable controversy, within the meaning of 28 U.S.C.
10 §§ 2201 and 2202, therefore exists between Ancora and TCL.

11
12 **ANSWER:** Admitted.

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14
15 12. By this Counterclaim, TCL seeks a declaratory judgment pursuant to 28
16 U.S.C. § 2201(a) that it does not infringe the '941 patent or any valid and
17 enforceable claims thereof.

18 **ANSWER:** Admitted.

19
20
21 13. A judicial determination of the respective rights of the parties with
22 respect to the non-infringement of the claims of the '941 patent is now necessary and
23 appropriate under 28 U.S.C. § 2201.

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