

EXHIBIT 8

1 Lewis E. Hudnell, III (CASBN 218736)
2 Nicolas S. Gikkas (CASBN 189452)
3 HUDNELL LAW GROUP P.C.
4 800 W. El Camino Real Suite 180
5 Mountain View, California 94040
6 Telephone: 650.564.7720
7 Facsimile: 347.772.3034
8 lewis@hudnelllaw.com
9 nick@gikkaslaw.com

10 Attorneys for Defendant VoIP-Pal.com, Inc.

11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14

15 TWITTER, INC., a Delaware corporation,
16 Plaintiff,
17 v.
18 VOIP-PAL.COM, INC., a Nevada
19 corporation,
20 Defendant.

21 Case No. 5:20-cv-02397-LHK

22 **ANSWER TO FIRST AMENDED**
23 **COMPLAINT FOR DECLARATORY**
24 **JUDGMENT**

25 **DEMAND FOR JURY TRIAL**
26
27
28

ANSWER TO FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

1 Defendant VoIP-Pal.com, Inc. (“VoIP-Pal”) submits this Answer to the allegations in the
2 numbered paragraphs in Plaintiff Twitter, Inc.’s (“Twitter’s”) First Amended Complaint for
3 Declaratory Judgment, Dkt. No. 29 (“FAC”). Unless expressly admitted, all of the averments made
4 by Twitter in its FAC should be deemed denied by VoIP-Pal.

5
6 **I. INTRODUCTION**

7 1. VoIP-Pal admits that this action concerns U.S. Patent No. 10,218,606 (the “’606 patent” or
8 the “patent-in-suit”), entitled “Producing Routing Messages For Voice Over IP Communications.”
9 VoIP-Pal admits that Twitter seeks a declaration that it does not infringe the patent-in-suit and that
10 the patent-in-suit is invalid. VoIP-Pal denies any and all remaining allegations and/or legal
11 conclusions contained in Paragraph 1 of the FAC.
12

13 2. VoIP-Pal admits the factual allegations in Paragraph 2 of the FAC.

14 3. VoIP-Pal admits that from April 2-7, 2020, VoIP-Pal filed lawsuits in the Western District of
15 Texas asserting claims of infringement of the ’606 patent against Facebook, WhatsApp, Google,
16 Amazon, and Apple. VoIP-Pal denies any and all remaining allegations and/or legal conclusions
17 contained in Paragraph 3 of the FAC.
18

19 4. VoIP-Pal admits that it issued a press release on April 8, 2020. VoIP-Pal also admits that the
20 Court of Appeals for the Federal Circuit affirmed this Court’s judgment that two of VoIP-Pal’s
21 previously asserted patents were invalid under 35 U.S.C. § 101. VoIP-Pal denies the remaining
22 allegations in Paragraph 4.
23

24 5. VoIP-Pal admits the factual allegations in Paragraph 5 and that Twitter refers to VoIP-Pal’s
25 lawsuits in the Western District of Texas against Facebook, WhatsApp, Google, Amazon, Apple,
26 AT&T, and Verizon Wireless as “the Texas lawsuits.”
27
28

1 6. VoIP-Pal admits that the Federal Circuit affirmed this Court’s judgment of invalidity of two
2 patents VoIP-Pal has previously asserted against Twitter. The remaining allegations in Paragraph 6
3 are legal conclusions and argument to which no response is required. To the extent a response may be
4 required, VoIP-Pal denies the remaining allegations in Paragraph 6.

5
6 7. VoIP-Pal is without sufficient information to admit or deny the allegations in Paragraph 7,
7 and therefore denies them.

8 8. The allegations in Paragraph 8 of the FAC are legal conclusion and argument, and no
9 response is required. To the extent Paragraph 8 requires a response, VoIP-Pal denies all allegations in
10 Paragraph 8.

11 **II. PARTIES**

12
13 9. VoIP-Pal admits that Twitter purports to be a company incorporated under the laws of
14 Delaware, with headquarters at 1355 Market Street, Suite 900, San Francisco, California.

15 10. VoIP-Pal is without sufficient information to admit or deny the allegations in Paragraph 10,
16 and therefore denies them.

17
18 11. VoIP-Pal admits that it is a company incorporated and registered under the laws of Nevada
19 with its principal place of business at 10900 NE 4th Street, Suite 2300, Bellevue, Washington 98004.

20 12. VoIP-Pal admits that it owns the ’606 patent.

21 **III. JURISDICTION AND VENUE**

22 13. VoIP-Pal admits that this action purports to seek declaratory relief under the patent laws of
23 the United States, 35 U.S.C. §§ 1 *et seq.*

24
25 14. VoIP-Pal admits that Twitter purports to seek declaratory relief under 28 U.S.C. §§ 2201 and
26 2202.

1 15. Paragraph 11 of the FAC contains conclusions of law, rather than averments of fact, to which
2 no answer is required. Insofar as an answer may be required, VoIP-Pal admits that Twitter purports to
3 base jurisdiction of this action under 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202. VoIP-Pal
4 denies any and all remaining allegations and/or legal conclusions contained in Paragraph 15 of the
5 FAC.
6

7 16. VoIP-Pal admits that it previously filed lawsuits against Twitter alleging infringement of
8 patents related to the '606 patent and that VoIP-Pal has accused Amazon, Apple, AT&T, and Verizon
9 Wireless of infringing the '606 patent in the Western District of Texas. The remainder of Paragraph
10 16 contains legal conclusion and argument to which no response is required. To the extent a response
11 may be required, VoIP-Pal denies the remaining allegations in Paragraph 16.
12

13 17. VoIP-Pal admits that on June 11, 2020, counsel for VoIP-Pal informed counsel for Twitter
14 that "VoIP-Pal's position is that Twitter's declaratory judgment complaint lacked subject matter
15 jurisdiction at the time it was filed and therefore should be dismissed. Accordingly, VoIP-Pal does
16 not believe that a covenant not to sue needs to be discussed under the present circumstances. This
17 response should not be construed as a refusal to grant a covenant not to sue." VoIP-Pal denies the
18 remaining allegations in Paragraph 17.
19

20 18. Paragraph 18 contains legal conclusions and argument to which no response is required. To
21 the extent a response may be required, VoIP-Pal denies the allegations in Paragraph 18.
22

23 19. VoIP-Pal admits that Twitter purports to reside and operate in this District. The remainder of
24 Paragraph 19 contains legal conclusions and argument to which no response is required. To the extent
25 that a response is required, VoIP-Pal denies the allegations in Paragraph 19.
26

27 20. Paragraph 20 contains legal conclusions and argument to which no response is required. To
28 the extent a response may be required, VoIP-Pal denies the allegations in Paragraph 20.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.