

EXHIBIT 17

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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 TWITTER, INC., a Delaware corporation,

15 Plaintiff,

16 v.

17 VOIP-PAL.COM, INC., a Nevada
18 corporation,

19 Defendant.

Case No. 5:21-cv-02769-LHK

**ANSWER TO COMPLAINT FOR
DECLARATORY JUDGMENT**

DEMAND FOR JURY TRIAL

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ANSWER TO COMPLAINT FOR DECLARATORY JUDGMENT

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

5 I. INTRODUCTION

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7 1. VoIP-Pal admits that this action concerns U.S. Patent No. 9,935,872 (the “’872 patent” or the
8 “patent-in-suit”), entitled “Producing Routing Messages For Voice Over IP Communications.” VoIP-
9 Pal admits that Twitter seeks a declaration that it does not infringe the patent-in-suit. VoIP-Pal denies
10 any and all remaining allegations and/or legal conclusions contained in Paragraph 1 of the Complaint.

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12 2. VoIP-Pal admits the factual allegations in Paragraph 2 of the Complaint.

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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 admits that the ’606 patent is a continuation of the ’872 patent and is a
17 member of the same family of patents asserted in the 2016 and 2018 cases, and shares a common
18 specification with the six patents asserted in the 2016 and 2018 cases and the ’872 patent. VoIP-Pal
19 denies any and all remaining allegations and/or legal conclusions contained in Paragraph 3 of the
20 Complaint.

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

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27 5. VoIP-Pal admits that Twitter filed an action for declaratory judgment of noninfringement of
28 the ’606 patent against VoIP-Pal in this Court (Case No. 20-cv-02397). VoIP-Pal admits that soon

1 thereafter, Apple, AT&T, and Verizon filed similar declaratory judgment actions against VoIP-Pal
2 based on the '606 patent. VoIP-Pal admits that on April 14, 2020, Apple filed a first amended
3 complaint that added claims for declaratory judgment of noninfringement and invalidity for the '872
4 patent. VoIP-Pal denies the remaining allegations in Paragraph 5 of the Complaint.

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6 6. VoIP-Pal admits that in June 2020, counsel for Twitter asked counsel for VoIP-Pal whether
7 VoIP-Pal would be willing to grant Twitter a covenant not to sue for the '606 patent, but VoIP-Pal
8 declined to discuss a covenant not to sue at that time. VoIP-Pal admits that on June 26, 2020, Twitter
9 filed a first amended complaint that added a claim for a declaratory judgment of invalidity of the '606
10 patent.

11 7. VoIP-Pal admits the factual allegations in Paragraph 7 of the Complaint.

12 8. VoIP-Pal admits the factual allegations in Paragraph 8 of the Complaint.

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14 9. VoIP-Pal admits that on March 24, 2021, VoIP-Pal filed motion to dismiss the declaratory
15 judgment actions filed by Twitter, Apple, AT&T, and Verizon—this time based on a covenant not to
16 sue for infringement of the '606 patent. E.g., Twitter, Case No. 20-cv-02397, ECF No. 62 (Mar. 21,
17 2021). VoIP-Pal admits that it asked Twitter to stipulate to dismissal of Twitter's declaratory
18 judgment action involving the '606 patent. VoIP-Pal denies the remaining allegations in Paragraph 9
19 of the Complaint.

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21 10. VoIP-Pal denies the allegations in Paragraph 10 of the Complaint.

22 11. VoIP-Pal admits that the Federal Circuit affirmed this Court's judgment of invalidity of two
23 patents VoIP-Pal has previously asserted against Twitter. VoIP-Pal admits that Apple filed a claim
24 for declaratory judgment of noninfringement and invalidity for the '872 patent, and that this Court
25 found that subject matter jurisdiction exists for that claim. VoIP-Pal denies the remaining allegations
26 in Paragraph 11 of the Complaint.
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1 12. VoIP-Pal is without sufficient information to admit or deny the allegations in Paragraph 12,
2 and therefore denies them.

3 13. The allegations in Paragraph 13 of the Complaint are legal conclusions and argument, and no
4 response is required. To the extent Paragraph 13 requires a response, VoIP-Pal denies all allegations
5 in Paragraph 13 of the Complaint.
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7 **II. PARTIES**

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

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

12 16. VoIP-Pal admits that it is a company incorporated and registered under the laws of Nevada
13 with its principal place of business at 7215 Bosque Blvd, Suite 102, Waco, Texas 76710.
14

15 17. VoIP-Pal admits that it owns the '872 patent.
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17 **III. JURISDICTION AND VENUE**

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

20 19. VoIP-Pal admits that Twitter purports to seek declaratory relief under 28 U.S.C. §§ 2201 and
21 2202.

22 20. Paragraph 20 of the Complaint contains conclusions of law, rather than averments of fact, to
23 which no answer is required. Insofar as an answer may be required, VoIP-Pal admits that Twitter
24 purports to base jurisdiction of this action under 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202.
25 VoIP-Pal denies any and all remaining allegations and/or legal conclusions contained in Paragraph 20
26 of the Complaint.
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