

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: 650.564.3698
7 Facsimile: 347.772.3034
8 lewis@hudnelllaw.com
9 nick@hudnelllaw.com

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

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

14 TWITTER, INC., a Delaware corporation,

15 Plaintiff,

16 v.

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

19 Defendant.

Case No. 3:21-cv-09773-JD

**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
6 **I. INTRODUCTION**

7 1. VoIP-Pal admits that this action concerns U.S. Patent Nos. 8,630,234 (the “’234 patent”) and
8 10,880,721 (the “’721 patent”) (collectively the “patents-in-suit”), entitled “Mobile Gateway.” VoIP-
9 Pal admits that Twitter seeks a declaration that it does not infringe the patents-in-suit. VoIP-Pal
10 denies any and all remaining allegations and/or legal conclusions contained in Paragraph 1 of the
11 Complaint.

12
13 2. VoIP-Pal admits that it has been involved in patent litigation with Twitter since 2016. VoIP-
14 Pal denies any and all remaining allegations and/or legal conclusions contained in Paragraph 2 of the
15 Complaint.

16
17 3. VoIP-Pal admits that in 2016 it filed suits against Twitter, Apple, AT&T, and Verizon
18 alleging infringement of two patents that are part of a patent family that VoIP-Pal refers to as the
19 “Routing, Billing, Rating” or “RBR” patents (the “2016 Cases”). VoIP-Pal admits that all patents in
20 the RBR family share a common specification. VoIP-Pal admits that in 2018, VoIP-Pal filed
21 additional lawsuits against Apple and Amazon to assert four other RBR patents (the “2018 Cases”).
22 VoIP-Pal admits that the 2016 and 2018 Cases were originally filed in the District of Nevada but
23 were transferred to the Northern District of California in 2018. VoIP-Pal denies any and all
24 remaining allegations and/or legal conclusions contained in Paragraph 3 of the Complaint.

25
26 4. VoIP-Pal admits the allegations in Paragraph 4 of the Complaint.

1 5. VoIP-Pal admits that in April 2020, VoIP-Pal filed lawsuits in the Western District of Texas
2 against Facebook, WhatsApp, Google, Amazon, Apple, AT&T, and Verizon to assert a seventh
3 patent in the RBR family, U.S. Patent 10,218,606 (the “’606 patent”) (the “2020 Texas Cases”).
4 VoIP-Pal denies any and all remaining allegations and/or legal conclusions contained in Paragraph 5
5 of the Complaint.
6

7 6. VoIP-Pal admits that it issued a press release on April 8, 2020. VoIP-Pal also admits that the
8 Court of Appeals for the Federal Circuit affirmed this Court’s judgment that two of VoIP-Pal’s
9 previously asserted patents were invalid under 35 U.S.C. § 101. VoIP-Pal denies the remaining
10 allegations in Paragraph 6 of the Complaint.
11

12 7. VoIP-Pal admits that Twitter filed an action for declaratory judgment of noninfringement of
13 the ’606 patent against VoIP-Pal in this Court (Case No. 20-cv-02397). VoIP-Pal admits that soon
14 thereafter, Apple, AT&T, and Verizon filed similar declaratory judgment actions against VoIP-Pal
15 based on the ’606 patent. VoIP-Pal admits that on April 14, 2020, Apple filed a first amended
16 complaint that added claims for declaratory judgment of noninfringement and invalidity for the ’872
17 patent. VoIP-Pal denies the remaining allegations in Paragraph 7 of the Complaint.
18

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

20 9. VoIP-Pal admits that between December 2020 and April 2021, VoIP-Pal and Twitter
21 communicated many times about potential settlement. VoIP-Pal denies the remaining allegations in
22 Paragraph 9 of the Complaint.
23

24 10. VoIP-Pal admits that on January 11, 2021, VoIP-Pal proposed that VoIP-Pal and Twitter enter
25 into a settlement for the ’606 patent and all other RBR patents. VoIP-Pal denies the remaining
26 allegations in Paragraph 10 of the Complaint.
27
28

1 11. VoIP-Pal admits that on March 24, 2021, VoIP-Pal filed motion to dismiss the declaratory
2 judgment actions filed by Twitter, Apple, AT&T, and Verizon—this time based on a covenant not to
3 sue for infringement of the '606 patent. E.g., Twitter, Case No. 20-cv-02397, ECF No. 62 (Mar. 21,
4 2021). VoIP-Pal denies the remaining allegations in Paragraph 11 of the Complaint.

5
6 12. VoIP-Pal admits that on April 9, 2021, VoIP-Pal offered a modified covenant not to sue for
7 the '606 patent and asked Twitter to stipulate to dismissal of Twitter's declaratory judgment action.
8 VoIP-Pal denies the remaining allegations in Paragraph 12 of the Complaint.

9
10 13. VoIP-Pal admits that on April 14, 2021, VoIP-Pal filed a reply brief in support of its motion
11 to dismiss, which granted Twitter a modified covenant not to sue for the '606 patent that VoIP-Pal
12 had offered on April 9. VoIP-Pal admits that it also granted similar broader covenants not to sue to
13 Apple, AT&T, and Verizon. VoIP-Pal admits that on August 30, 2021, Judge Koh granted VoIP-
14 Pal's motion to dismiss Twitter's 2020 DJ Action in view of VoIP-Pal's broader covenant not to sue
15 for the '606 patent (but denied VoIP-Pal's motion to dismiss the other 2020 DJ Actions). VoIP-Pal
16 admits that Judge Koh retained jurisdiction over Twitter's 2020 DJ Action to consider Twitter's
17 motion for attorney fees. VoIP-Pal denies the remaining allegations in Paragraph 13 of the
18 Complaint.
19

20 14. VoIP-Pal admits the allegations in Paragraph 14 of the Complaint.

21 15. VoIP-Pal admits the allegations in Paragraph 15 of the Complaint.

22 16. VoIP-Pal admits the allegations in Paragraph 16 of the Complaint.

23
24 17. VoIP-Pal admits that the Mobile Gateway patents are not members of the RBR family. VoIP-
25 Pal denies the remaining allegations in Paragraph 17 of the Complaint.

26 18. VoIP-Pal denies the allegations in Paragraph 18 of the Complaint.

27 19. VoIP-Pal denies the allegations in Paragraph 19 of the Complaint.
28

1 20. VoIP-Pal admits the allegations in Paragraph 20 of the Complaint.

2 21. VoIP-Pal admits the allegations in Paragraph 21 of the Complaint.

3 22. VoIP-Pal admits that on December 9, 2021, VoIP-Pal filed a motion to dismiss based on a
4 covenant not to sue for the '872 patent. VoIP-Pal denies the remaining allegations in Paragraph 22 of
5 the Complaint.
6

7 23. VoIP-Pal denies the allegations in Paragraph 23 of the Complaint.

8 24. VoIP-Pal denies the allegations in Paragraph 24 of the Complaint.

9 **II. PARTIES**

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

13 26. VoIP-Pal is without sufficient information to admit or deny the allegations in Paragraph 26,
14 and therefore denies them.

15 27. VoIP-Pal admits that it is a company incorporated and registered under the laws of Nevada
16 with its principal place of business at 7215 Bosque Blvd, Suite 102, Waco, Texas 76710.
17

18 28. VoIP-Pal admits that it owns the Mobile Gateway patents.

19 **III. JURISDICTION AND VENUE**

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

22 30. VoIP-Pal admits that Twitter purports to seek declaratory relief under 28 U.S.C. §§ 2201 and
23 2202.
24

25 31. Paragraph 31 of the Complaint contains conclusions of law, rather than averments of fact, to
26 which no answer is required. Insofar as an answer may be required, VoIP-Pal admits that Twitter
27 purports to base jurisdiction of this action under 28 U.S.C. §§ 1331, 1332, 1338, 2201, and 2202.
28

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