

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MOBILEMEDIA IDEAS LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 10-258-SLR

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.'S FIRST AMENDED ANSWER TO COMPLAINT AND
COUNTERCLAIMS**

Defendant Apple Inc. (“Apple”), by and through its undersigned attorneys, responds to Plaintiff MobileMedia Ideas LLC’s (“MMI”) Amended Complaint for Patent Infringement (the “Complaint”) as follows:

PARTIES

1. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies each and every allegation contained therein.

2. Apple admits that it is a corporation organized and existing under the laws of the State of California and has its principal place of business in Cupertino, California. Apple also admits that it designs, manufactures, markets and sells the iPhone 3G, iPhone 3GS, iPod touch, iPod nano, iPod classic, iPod shuffle, iPad Wi-Fi, and iPad Wi-Fi+3G. Apple further admits that it sells its devices throughout the United States and in this district at the Apple Store located at

125 Christiana Mall, Newark, Delaware. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 2.

JURISDICTION AND VENUE

3. Apple admits that MMI purports to bring a patent infringement action pursuant to Title 35 of the United States Code. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 3.

4. Apple admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 4.

5. Apple admits that this Court has personal jurisdiction over Apple. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 5.

6. Apple admits that venue is proper in the District of Delaware under 28 U.S.C. §§ 1391(c) and 1400(b), although Apple expressly reserves the right to contest whether the District of Delaware is a convenient forum under, among others, the doctrine of forum non conveniens. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 6.

SUMMARY OF CLAIMS

7. Apple admits that MMI purports to bring a patent infringement action against Apple. Except as expressly admitted herein, Apple denies each and every allegation set forth in Paragraph 7.

8. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and on that basis denies each and every allegation contained therein.

9. Apple denies each and every allegation contained in Paragraph 9.

10. Apple denies each and every allegation contained in Paragraph 10.

FACTS

11. Apple admits that U.S. Patent No. 6,253,075 (the "'075 Patent"), titled "Method and apparatus for incoming call rejection," was issued on June 26, 2001, and that a copy of the '075 Patent was attached to the Complaint as Exhibit A. Apple denies that the '075 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and on that basis denies each and every allegation contained therein.

12. Apple admits that U.S. Patent No. 6,427,078 (the "'078 Patent"), titled "Device for personal communications, data collection and data processing, and a circuit card," was issued on July 30, 2002, and that a copy of the '078 Patent was attached to the Complaint as Exhibit B. Apple denies that the '078 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and on that basis denies each and every allegation contained therein.

13. Apple admits that U.S. Patent No. RE39,231 (the "'231 Patent"), titled "Communication terminal equipment and call incoming control method," was issued on August 8, 2006, and that a copy of the '231 Patent was attached to the Complaint as Exhibit C. Apple denies that the '231 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 and on that basis denies each and every allegation contained therein.

14. Apple admits that U.S. Patent No. 5,737,394 (the “’394 Patent”), titled “Portable telephone apparatus having a plurality of selectable functions activated by the use of dedicated and/or soft keys,” was issued on April 7, 1998, and that a copy of the ’394 Patent was attached to the Complaint as Exhibit D. Apple denies that the ’394 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and on that basis denies each and every allegation contained therein.

15. Apple admits that U.S. Patent No. 6,002,390 (the “’390 Patent”), titled “Text input device and method,” was issued on December 14, 1999, and that a copy of the ’390 Patent was attached to the Complaint as Exhibit E. Apple denies that the ’390 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and on that basis denies each and every allegation contained therein.

16. Apple admits that U.S. Patent No. 6,070,068 (the “’068 Patent”), titled “Communication terminal device and method for controlling a connecting state of a call into a desired connection state upon a predetermined operation by a user,” was issued on May 30, 2000, and that a copy of the ’068 Patent was attached to the Complaint as Exhibit F. Apple denies that the ’068 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and on that basis denies each and every allegation contained therein.

17. Apple admits that U.S. Patent No. 6,393,430 (the “’430 Patent”), titled “Method and system for automatically recording music data files by using the hard drive of a personal

computer as an intermediate storage medium,” was issued on May 21, 2002, and that a copy of the ’430 Patent was attached to the Complaint as Exhibit G. Apple denies that the ’430 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and on that basis denies each and every allegation contained therein.

18. Apple admits that U.S. Patent No. 6,441,828 (the “’828 Patent”), titled “Image display apparatus,” was issued on August 27, 2002, and that a copy of the ’828 Patent was attached to the Complaint as Exhibit H. Apple denies that the ’828 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and on that basis denies each and every allegation contained therein.

19. Apple admits that U.S. Patent No. 6,446,080 (the “’080 Patent”), titled “Method for creating, modifying, and playing a custom playlist, saved as a virtual CD, to be played by a digital audio/visual actuator device,” was issued on September 3, 2002, and that a copy of the ’080 Patent was attached to the Complaint as Exhibit I. Apple denies that the ’080 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and on that basis denies each and every allegation contained therein.

20. Apple admits that U.S. Patent No. 6,549,942 (the “’942 Patent”), titled “Enhanced delivery of audio data for portable playback,” was issued on April 15, 2003, and that a copy of the ’942 Patent was attached to the Complaint as Exhibit J. Apple denies that the ’942 Patent was duly and legally issued. Except as expressly admitted or denied herein, Apple is without

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