

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

BELL NORTHERN RESEARCH, LLC,

Plaintiff,

v.

HMD AMERICA, INC., HMD GLOBAL OY,
SHENZHEN CHIINO-E COMMUNICATION
CO. LTD., HON HAI PRECISION
INDUSTRY CO., LTD, TINNO MOBILE
TECHNOLOGY CORP., SHENZHEN TINNO
MOBILE CO., LTD., TINNO USA, INC.,
UNISOC TECHNOLOGIES CO. LTD.,
SPREADTRUM COMMUNICATIONS USA,
INC., WINGTECH TECHNOLOGY CO. LTD.,
WINGTECH INTERNATIONAL, INC.,
HUAQIN CO. LTD., BEST BUY CO., INC.,
BEST BUY STORES L.P., TARGET CORP.,
WALMART INC.,

Defendants.

Case No. 1:22-CV-22706-RNS

**HON HAI PRECISION INDUSTRY CO., LTD'S REPLY IN
SUPPORT OF THE MOTION FOR EXCEPTIONAL CASE STATUS**

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Plaintiff Bell Northern Research, LLC's Opposition (Dkt. No. 176, "BNR Opp.") is just a sampling of Plaintiff's casual disregard for facts. As set forth in Hon Hai's opening brief, Plaintiff's Complaint in its twice-filed suit lacked any objective basis. Incredibly, the Opposition responds by doubling down on its original baseless allegations with even more plainly false speculation and legally flawed arguments.

Indeed, rather than explaining why Plaintiff insisted on litigating against Hon Hai for nine months in two suits without any basis for jurisdiction, Plaintiff complains that Hon Hai should have the burden to prove, with "evidence," the absence of jurisdiction. BNR Opp. at 4 (complaining that "counsel for Hon Hai never offered any evidence of Hon Hai's supposed non-involvement in making the accused products in the first Complaint"). BNR's burden-shifting argument turns Rule 11 on its head.

Digging a deeper hole, BNR now cites to some random articles as evidence of jurisdiction. These new articles, however, only prove Hon Hai's argument: They point to *entities other than Hon Hai* that supply the purportedly infringing products identified in the Complaint. More importantly, these articles and Plaintiff's Opposition tell us nothing as to BNR's basis for insisting for nine months that jurisdiction was present over Hon Hai (as distinct from these other entities).

BNR's further argument that Hon Hai did not prevail is unequivocally wrong. BNR responded to Hon Hai's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. No. 78) by ceding the case and moving the Court for dismissal pursuant to Rule 41(a)(2). BNR's argument again turns on its head the very concept of what it means to be a "prevailing party." BNR argues in its Opposition that the Court's Rule 41(a)(2) dismissal lacks "judicial imprimatur." Numerous courts have held just the opposite. Unlike a Rule 41(a) voluntary dismissal, the Court's order under Rule 41(a)(2) is final and dispositive, and contains all the "judicial imprimatur" that courts

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