

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC PATENT LITIG.	Case No. 2:22-md-03034-TGB Hon. Terrence G. Berg
NEO WIRELESS, LLC,  Plaintiff,  v.  MERCEDES-BENZ USA, LLC  Defendant.	Case No. 2:22-CV-11769-TGB Hon. Terrence G. Berg  JURY TRIAL DEMANDED

**DEFENDANT MERCEDES-BENZ USA’S FIRST AMENDED PARTIAL  
ANSWER TO PLAINTIFF NEO WIRELESS LLC’S COMPLAINT FOR  
PATENT INFRINGEMENT**

Defendant Mercedes-Benz USA, LLC (“MBUSA” or “Defendant”) answer and assert defenses to the Complaint for Infringement (“Complaint”) filed by Plaintiff Neo Wireless, LLC (“Neo”) on July 15, 2022. Pursuant to Fed. R. Civ. P. 12(a)(4), this Answer does not address those claims for willful patent infringement and indirect patent infringement for which MBUSA has moved to dismiss the Complaint in its Motion to Dismiss filed on September 12, 2022. (Dkt. No. 74.)

**GENERAL DENIAL**

Unless specifically admitted below, MBUSA denies each and every allegation contained in paragraphs 1-110 of Neo's Complaint, and denies that Neo is entitled to any relief, including that requested in Neo's Prayer for Relief. The number paragraphs in this Answer correspond to the numbered paragraphs of the Complaint.

### **THE PARTIES**

1. Plaintiff Neo Wireless LLC is a Delaware corporation with its principal place of business located in Wayne, Pennsylvania.

**ANSWER:** MBUSA lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies the same.

2. On information and belief, Defendant Mercedes-Benz USA, LLC is a business entity organized and existing under the laws of the state of Delaware with its principal place of business at 1 Mercedes Benz Dr., Sandy Springs, Georgia 30328-4312. Mercedes may be served through its registered agent, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

**ANSWER:** MBUSA admits the allegations in Paragraph 2.

### **JURISDICTION AND VENUE**

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

**ANSWER:** MBUSA admits that the Complaint purports to be an action for patent infringement under the patent laws of the United States of America, Title 35, United States Code. But MBUSA denies that it has committed any acts of patent infringement or is otherwise liable for misconduct related to allegations in the Complaint.

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).

**ANSWER:** MBUSA admits this Court has subject matter jurisdiction over actions arising under the patent laws of the United States pursuant to 28 U.S.C. §§ 1331 and 1338(a). MBUSA denies there is subject matter jurisdiction for this particular action because MBUSA has not committed any infringing act related to any of the patents asserted in the Complaint.

5. Venue in this District is proper under 28 U.S.C. § 1391 and 28 U.S.C.

§ 1400(b) against Mercedes because, on information and belief, Mercedes (1) has committed acts of infringement in this District and (2) has a regular and established place of business in this District.

**ANSWER:** To the extent Paragraph 5 sets forth legal conclusions, no response is required. To the extent a response is required, MBUSA does not contest that venue is proper as to MBUSA in the Middle District of Florida as a general matter. MBUSA reserves, however, the right to seek transfer to a more appropriate or convenient forum. MBUSA denies it has committed any infringing act, in the Middle District of Florida or elsewhere, related to any of the patents asserted in the Complaint. Except as expressly admitted herein, denied.

6. This Court has personal jurisdiction over Mercedes. Mercedes has continuous and systematic business contacts with the State of Florida. Specifically, Mercedes conducts business in, has committed acts of patent infringement in, and has induced acts of patent infringement by others in this District, the State of Florida, and elsewhere in the United States.

**ANSWER:** To the extent Paragraph 6 sets forth legal conclusions, no response is required. To the extent a response is required, MBUSA admits that this Court has personal jurisdiction over MBUSA for purposes of this proceeding. Except as expressly admitted herein, denied.

7. Mercedes, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among

other things, designing, developing, manufacturing, importing, offering to sell, and selling products that infringe the Asserted Patents at, at least, the Southern Region MBUSA Sales Office, Parts Distribution Center, Quality Evaluation Center, and Learning & Performance Center in Jacksonville, Florida.

**ANSWER:** MBUSA denies the allegations in Paragraph 7.

8. Mercedes does and intends to do business in Florida and in this District, directly or through intermediaries, and offers and intends to offer its products and/or services, including those accused herein of infringement, to customers and potential customers located in Florida and in this District.

**ANSWER:** MBUSA admits it has done business in the Middle District of Florida, which is located in Florida. MBUSA denies it has committed any infringing act, in the Middle District of Florida or elsewhere, related to any of the patents asserted in the Complaint. Except as expressly admitted herein, to the extent that Paragraph 8 contains any other allegations of fact directed to MBUSA, they are denied. To the extent that Paragraph 8 contains conclusions of law as opposed to allegations of fact, no answer is required.

9. Mercedes, both directly and through its subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and

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