

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

IN RE NEO WIRELESS, LLC
PATENT LITIG.

2:22-MD-03034-TGB

HON. TERRENCE G. BERG

NEO WIRELESS, LLC,

2:22-CV-11407-TGB

HON. TERRENCE G. BERG

Plaintiff,

v.

JURY TRIAL DEMANDED

GENERAL MOTORS COMPANY &
GENERAL MOTORS LLC,

Defendants.

**THE GENERAL MOTORS DEFENDANTS
ANSWER TO FIRST AMENDED COMPLAINT**

Defendants General Motors Company (“GMC”) & General Motors LLC (“GM LLC”) (together, “GM”) file this Answer to Plaintiff Neo Wireless, LLC’s (“Neo” or “Plaintiff”) First Amended Complaint for Patent Infringement (“Complaint”). Any factual allegation admitted below is admitted only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. GM responds to the numbered paragraphs of the Complaint as follows:

THE PARTIES¹

1. GM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint, and on that basis denies them.

2. GM admits that GMC is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 300 Renaissance Center in Detroit, Michigan. GM further admits that GMC may be served through its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

3. GM admits that GM LLC is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 300 Renaissance Center in Detroit, Michigan. GM admits that GM LLC may be served through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-4234.

¹ GM repeats the headings set forth in the Complaint to simplify comparison of the Complaint and this response. In doing so, GM makes no admissions regarding the substance of the headings or any other allegations of the Complaint. Unless otherwise stated, to the extent that a particular heading can be construed as an allegation, GM specifically denies all such allegations.

JURISDICTION AND VENUE

4. GM admits that the Complaint purports to state a cause of action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, but GM denies that it has committed any acts of patent infringement.

5. GM admits that this Court has subject matter jurisdiction over actions for alleged patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. GM denies that venue in the Eastern District of Texas is proper. Moreover, venue in the Eastern District of Texas is not convenient under 28 U.S.C. § 1404. Indeed, on June 14, 2022, a panel of the U.S. Judicial Panel Multidistrict Litigation in *In Re Neo Wireless, LLC Patent Litigation* (MDL No. 3034) ordered that this case be adjudicated in the Eastern District of Michigan in light of the conveniences of the of the parties and witnesses and to promote just efficient conduct of the litigation. Any remaining allegations in Paragraph 6 of the Complaint state only legal conclusions that require no response. To the extent a response is required, denied.

7. GM does not contest, solely for the purposes of the present action, whether personal jurisdiction properly lies in the Eastern District of Texas. GM denies that it has committed, induced, or contributed to acts of patent infringement in the Eastern District of Texas, the State of Texas, or elsewhere. GM denies all other allegations made in Paragraph 7 of the Complaint.

8. GM does not contest, solely for the purposes of the present action, whether personal jurisdiction properly lies in the Eastern District of Texas. GM denies that it has committed, induced, or contributed to acts of patent infringement in the Eastern District of Texas, the State of Texas, or elsewhere. GM denies all other allegations made in Paragraph 8 of the Complaint.

9. GM does not contest, solely for the purposes of the present action, whether personal jurisdiction properly lies in the Eastern District of Texas. GM denies that it has committed, induced, or contributed to acts of patent infringement in the Eastern District of Texas, the State of Texas, or elsewhere. GM denies all other allegations made in Paragraph 9 of the Complaint.

10. GM admits it has physical locations in Austin, Arlington, Irving, Fort Worth, San Antonio, and Roanoke, Texas. GM denies that it has committed any acts of infringement within the Eastern District of Texas or elsewhere.

11. GM admits that it has employees in Austin, TX at the Austin IT Innovation Center. GM denies all other allegations made in Paragraph 11 of the Complaint.

12. GM admits that GM employs various software developers and engineers working on various GM products in the United States. GM further admits that GM has had or does have job postings for software developers, including in Austin, Texas. Paragraph 12 of the Complaint cites to various

documents which speak for themselves and GM denies the allegations of Paragraph 12 to the extent they are inconsistent with those documents.

13. GM admits that GM has a location in Roanoke, Texas. GM denies that it has committed any acts of infringement within the Eastern District of Texas or elsewhere.

14. Denied.

15. GM does not contest personal jurisdiction in the Eastern District of Texas solely for the purpose of this action. GM denies that it has committed any acts of infringement within the Eastern District of Texas or elsewhere.

THE ASSERTED PATENTS

I. The '366 Patent

16. GM admits that the face of United States Patent No. 8,467,366 (“the ’366 patent”) lists the title as “Methods and Apparatus for Random Access in Multi-Carrier Communication Systems,” and lists the issue date as June 18, 2013. GM admits that a copy of what purports to be the ’366 patent is attached to the Complaint as Exhibit 2. GM lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 16 of the Complaint, and therefore denies those allegations.

17. GM admits that the face of the ’366 patent indicates that it was initially filed on August 8, 2011 as U.S. Patent Application 13/205,579, with the

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