

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

IN RE NEO WIRELESS, LLC
PATENT LITIG.

Case No. 2:22-md-030304-TGB

Hon. Terrence G. Berg

NEO WIRELESS, LLC,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 2:22-cv-11402-TGB

Hon. Terrence G. Berg

JURY TRIAL DEMANDED

**FORD MOTOR COMPANY’S ANSWER TO FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

Defendant Ford Motor Company (“Ford”) responds to Plaintiff Neo Wireless, LLC’s (“Neo”) First Amended Complaint (“Complaint”) as follows:

GENERAL DENIAL

Unless specifically admitted below, Ford denies each and every allegation contained in Paragraphs 1-108 of Neo’s Complaint, and Ford denies that Neo is entitled to any relief, including that requested in its Prayer for Relief.

PARTIES

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

ANSWER: Ford is without 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, Ford is organized and existing under the laws of

Delaware, with its principal place of business at 1 American Road, Dearborn, Michigan 48126. Ford may be served through its registered agent, The Corporation Company, at 120 South Central Avenue, Clayton, Missouri 63105.

ANSWER: Ford admits the allegations in Paragraph 2.

JURISDICTION AND VENUE

3. This action includes a claim of patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

ANSWER: Ford 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 Ford 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: Ford 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). Ford denies there is subject matter jurisdiction for this particular action because Ford has not committed any infringing act related to any of the patents asserted in the Complaint.

5. Venue is proper in the Western District of Missouri under 28 U.S.C. § 1400(b) because, on information and belief, Ford (1) has committed acts of infringement in the Western District of Missouri and (2) has a regular and established place of business in the Western District of Missouri.

ANSWER: To the extent Paragraph 5 sets forth legal conclusions, no response is required. Ford does not contest venue in the Western District of Missouri, but reserves the right to seek transfer to a more appropriate or convenient forum. Ford denies it has committed any

infringing act, in the Western District of Missouri or elsewhere, related to any of the patents asserted in the Complaint.

6. On information and belief, Ford owns and operates an assembly plant located at 8121 US-69, Claycomo, Missouri 64119, which is in the Western District of Missouri. Upon information and belief, this facility manufactures infringing products, including the Ford F-150. Upon information and belief, the Ford F-Series are the best selling vehicles in the United States. Upon information and belief, Ford's Claycomo plant is over 4 million square feet and employs over 7,000 people. Upon information and belief, Ford's Claycomo plant manufactures more vehicles than any other facility in the United States and is the largest tax generator in Clay County, MO.

ANSWER: Ford admits it owns and operates an assembly plant located at 8121 US-69, Claycomo, Missouri 64119. Ford admits that it has manufactured at least one Ford F-150 at that facility. Ford admits that Car and Driver reported Ford sold over 700,000 F-Series in the United States in 2021. Ford admits this facility's site is 1,269 acres and employs over 7,000 people. Ford denies that the Ford F-150 infringes any of the patents asserted in the Complaint. Ford further denies it manufactures any infringing products, at this or any other facility. Ford is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6, and therefore denies the same.

7. Ford is subject to the Western District of Missouri's specific personal jurisdiction due at least to Ford's substantial business activities in the Western District of Missouri, including (1) at least a portion of the infringements alleged herein; (2) maintaining a regular and established place of business; and/or (3) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to

individuals in Missouri and in the Western District of Missouri.

ANSWER: Ford admits it has done business in the Western District of Missouri. Ford denies it has committed any infringing act, in the Western District of Missouri or elsewhere, related to any of the patents asserted in the Complaint. Except as expressly admitted herein, to the extent that Paragraph 7 contains any other allegations of fact directed to Ford, they are denied. To the extent that Paragraph 7 contains conclusions of law as opposed to allegations of fact, no answer is required. To the extent an answer is deemed required, Ford denies the same.

8. Ford does and intends to do business in Missouri and in the Western District of Missouri, directly or through intermediaries, and offer their products and/or services, including those accused herein of infringement, to customers and potential customers located in Missouri and in the Western District of Missouri.

ANSWER: Ford admits it has done business in the Western District of Missouri, which is located in Missouri. Ford denies it has committed any infringing act, in the Western District of Missouri 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 Ford, they are denied. To the extent that Paragraph 8 contains conclusions of law as opposed to allegations of fact, no answer is required. To the extent an answer is deemed required, Ford denies the same.

9. Ford, both directly and through its subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed one or more infringing products and/or services, as described below, into the stream of commerce with the expectation that those products will be purchased and used by customers and/or consumers in the Western District of Missouri.

ANSWER: Ford denies the allegations in Paragraph 9.

10. These infringing products and/or services have been and continue to be made, used, sold, offered for sale, purchased, and/or imported by customers and/or consumers in the Western District of Missouri.

ANSWER: Ford denies the allegations in Paragraph 10.

11. Defendant has placed the Accused Products into the stream of commerce by making, selling, and/or offering to sell Accused Products in the Western District of Missouri, shipping Accused Products into the Western District of Missouri, and/or shipping Accused Products knowing that those products would be shipped into the Western District of Missouri.

ANSWER: Ford admits that it sells vehicles to independent dealerships, who sell their Ford vehicles to the public. Ford denies that it has committed any acts of patent infringement or that its motor vehicles and related products infringe any of the patents asserted in the Complaint. Ford denies the remaining allegations in Paragraph 11.

THE ASSERTED PATENTS

I. The '366 Patent

12. On June 18, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,467,366 (“the ’366 patent”), entitled “Methods and Apparatus for Random Access in Multi-Carrier Communication Systems.” A copy of the ’366 patent is attached as Exhibit 1.

ANSWER: Ford admits that U.S. Patent No. 8,467,366 (“the ’366 patent”) is entitled “Methods and Apparatus for Random Access in Multi-Carrier Communication Systems” and lists the issue date on the face of the patent as June 18, 2013. Ford admits that a purported copy of the



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