

3. Maxim lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 3, and thus denies them.

4. Maxim admits the allegations of paragraph 4.

JURISDICTION AND VENUE

5. Maxim admits that the allegations in the Complaint arise under the patent laws of Title 35 of the United States Code, § 100 et seq., and that the Complaint seeks a remedy under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Maxim admits that subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a). Maxim admits that an actual controversy exists between the parties. Except as specifically admitted, Maxim denies the remaining allegations of paragraph 5.

6. Maxim admits the allegations of paragraph 6.

7. Maxim admits the allegations of paragraph 7.

8. Maxim admits that the document attached to the Complaint as Exhibit A appears to be a true and correct copy of a printout from Maxim's website showing "Maxim Sales Offices" at various locations around the world. Maxim admits that the document attached to the Complaint as Exhibit A includes a telephone number for a sales office corresponding to Pennsylvania and a telephone number for a sales representative corresponding to Pennsylvania. Except as specifically admitted, Maxim denies the remaining allegations of paragraph 8.

9. Maxim admits that the document attached to the Complaint as Exhibit B appears to be a true and correct copy of a printout from Maxim's website showing three franchised distributors associated with Pennsylvania. Maxim admits that the page lists a

location for the franchised distributor Avnet in Wexford, Pennsylvania. Except as specifically admitted, Maxim denies the remaining allegations of paragraph 9.

10. Maxim admits the allegations of paragraph 10.

11. Maxim admits the allegations of paragraph 11.

12. Without prejudice to its other rights, and fully reserving the same, Maxim admits that venue is proper in this judicial district for purposes of trial.¹ Except as specifically admitted, Maxim denies the remaining allegations of paragraph 12.

BACKGROUND

13. Maxim admits the allegations of paragraph 13.

14. Maxim admits that the Asserted Patents are assigned to Maxim. Maxim admits that the documents attached as Exhibits C, D, E, and F to the Complaint appear to be true and correct copies of the Asserted Patents. Maxim admits that the documents attached as Exhibits G, H, I, and J appear to be true and correct copies of the patent assignment abstracts of title for the Asserted Patents. Except as specifically admitted, Maxim denies the remaining allegations of paragraph 14.

15. Maxim admits the allegations of paragraph 15.

16. Maxim admits the allegations of paragraph 16.

17. Maxim denies the allegations of paragraph 17.

18. Maxim admits the allegations of paragraph 18.

19. Maxim admits the allegations of paragraph 19.

¹ Maxim has filed a Motion for Transfer and Consolidation Pursuant to 28 U.S.C. § 1407 with the United States Judicial Panel on Multidistrict Litigation (“JPML”). *See* MDL No. 2354. Maxim believes that the Eastern District of Texas is a proper venue for all pretrial proceedings. Oral Arguments in connection with the Transfer Motion were heard by the JPML on May 31, 2012.

20. Maxim denies the allegations of paragraph 20.
21. Maxim admits the allegations of paragraph 21.
22. No response to paragraph 22 is required, as it merely characterizes PNC's perceptions of Maxim's intent.

COUNT I: DECLARATORY JUDGMENT OF NON-INFRINGEMENT

23. Maxim incorporates by reference its responses to paragraphs 1-22.
24. Maxim denies the allegations of paragraph 24.
25. Maxim denies the allegations of paragraph 25.
26. Maxim denies the allegations of paragraph 26.
27. Maxim denies the allegations of paragraph 27.
28. Maxim denies the allegations of paragraph 28 and avers that PNC is not entitled to any relief.

COUNT II: DECLARATORY JUDGMENT OF NON-INFRINGEMENT

29. Maxim incorporates by reference its responses to paragraphs 1-28.
30. Maxim denies the allegations of paragraph 30.
31. Maxim denies the allegations of paragraph 31 and avers that PNC is not entitled to any relief.

PRAYER FOR RELIEF

Maxim denies that PNC is entitled to any relief, including the relief prayed for in paragraphs a) – g) under the heading "PRAYER FOR RELIEF."

JURY DEMAND

Maxim admits that PNC has requested a trial by jury on all issues so triable. Except as specifically admitted, Maxim denies the remaining allegations under the heading “JURY DEMAND.”

* * * * *

COUNTERCLAIMS

Counterclaimant Maxim Integrated Products, Inc. (“Maxim”) hereby alleges for its Counterclaims against Counter-Defendants The PNC Financial Services Group, Inc. and PNC Bank, National Association (collectively “PNC”), on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

THE PARTIES

1. Counterclaimant Maxim is a Delaware Corporation with its principal place of business at 120 San Gabriel Drive, Sunnyvale, California 94086.
2. On information and belief, Counter-Defendant The PNC Financial Services Group, Inc., is a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania.
3. On information and belief, Counter-Defendant PNC Bank, National Association, is a national banking association with its principal place of business in Pittsburgh, Pennsylvania. PNC Bank, National Association is a wholly-owned, indirect subsidiary of The PNC Financial Services Group, Inc.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.