

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

\_\_\_\_\_  
THE PNC FINANCIAL SERVICES  
GROUP, INC., and  
PNC BANK, NATIONAL ASSOCIATION,

Plaintiffs,

v.

\_\_\_\_\_  
MAXIM INTEGRATED PRODUCTS, INC.,

Defendant.  
\_\_\_\_\_

Civil Action No. 12-89-NBF

Judge Nora Barry Fischer

Filed Electronically

**MAXIM INTEGRATED PRODUCTS, INC.'S ANSWER TO COMPLAINT FOR  
DECLARATORY JUDGMENT AND COUNTERCLAIMS**

Defendant Maxim Integrated Products, Inc. ("Maxim"), by its undersigned attorneys, hereby answers the Complaint of Plaintiffs, The PNC Financial Services Group, Inc. and PNC Bank, National Association (collectively "PNC"), as set forth below. Except where specifically admitted herein, Maxim denies the allegations in the Complaint.

**NATURE OF ACTION**

1. Maxim admits the Complaint seeks a declaration of non-infringement and invalidity of U.S. Patent No. 5,940,510 ("the '510 Patent"), U.S. Patent No. 5,949,880 ("the '880 Patent"), U.S. Patent No. 6,105,013 ("the '013 Patent") and U.S. Patent No. 6,237,095 ("the '095 patent") (collectively, the "Asserted Patents"). Except as specifically admitted, Maxim denies the remaining allegations of paragraph 1.

**THE PARTIES**

2. Maxim lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 2, and thus denies them.

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.<sup>1</sup> 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.

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<sup>1</sup> 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.

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