

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLWAVE COMMUNICATIONS LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-1702-RGA
	)	
SPRINT NEXTEL CORP., et al.,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendants.	)	

**SPRINT'S ANSWER TO SECOND AMENDED COMPLAINT**

Defendant Sprint Nextel Corporation (“SCI”)<sup>1</sup>, by and through its undersigned attorneys, hereby responds to Plaintiff CallWave Communication, LLC’s (“CallWave”) Second Amended Complaint for Patent Infringement (“Complaint”) (D.I. 25) as follows:

**STATEMENT OF JURISDICTION**

1. SCI admits that 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), provided that standing and other requirements are met. SCI denies the remaining allegations of paragraph 1.

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<sup>1</sup> Plaintiff has named the incorrect entity in this action. On July 10, 2013, as part of a merger transaction with Softbank Corp., Sprint Nextel Corporation changed its name to Sprint Communications, Inc. Sprint Communications, Inc. is now a subsidiary of Sprint Corporation. Sprint Communications, Inc. (f/k/a Sprint Nextel Corporation) is primarily a holding company that holds stock in its operating subsidiaries, and does not make, use, distribute, offer for sale, license, and/or sell any products or services, either in this judicial district or elsewhere in the United States. The proper parties are Sprint Spectrum L.P. and Sprint Communications Company L.P.

### NATURE OF THE ACTION

2. SCI admits that CallWave purports to bring an action for alleged infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.* SCI further admits that U.S. Patent Nos. 6,771,970 (the “970 Patent”), 7,907,933 (the “933 Patent”), 8,325,901 (the “901 Patent”), 7,636,428 (the “428 Patent”), 7,822,188 (the “188 Patent”) and 8,064,588 (the “588 Patent”) (collectively, the “Patents-in-Suit”) were attached to the Complaint as Exhibits A-F. SCI denies the remaining allegations of paragraph 2 to the extent that they are directed at SCI, including any allegation that SCI has infringed, or is infringing, the patents-in-suit. To the extent this paragraph is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same. To the extent that these allegations are directed toward claims dismissed in the Court’s Dismissal Order (D.I. 66), no response is required for such allegations and on that basis SCI denies the same.

3. SCI denies the allegations of paragraph 3 to the extent that they are directed at SCI. To the extent this paragraph is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same. To the extent that these allegations are directed toward claims dismissed in the Court’s Dismissal Order (D.I. 66), no response is required for such allegations and on that basis SCI denies the same.

### THE PARTIES

4. SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, and on that basis denies the same.

5. SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5, and on that basis denies the same.

6. SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6, and on that basis denies the same.

7. SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7, and on that basis denies the same.

8. Admitted.

9. SCI denies the allegations of paragraph 9. SCI further states that it is mainly a holding company that holds stock in its operating subsidiaries, and does not manufacture, use, sell, or offer for sale any products or services.

10. SCI denies the allegations of paragraph 10 to the extent that they are directed at SCI. To the extent this paragraph is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same. To the extent that these allegations are directed toward claims dismissed in the Court's Dismissal Order (D.I. 66), no response is required for such allegations and on that basis SCI denies the same.

11. SCI denies the allegations of paragraph 11 to the extent that they are directed at SCI. To the extent this paragraph is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same. To the extent that these allegations are directed

toward claims dismissed in the Court's Dismissal Order (D.I. 66), no response is required for such allegations and on that basis SCI denies the same.

### **JURISDICTION AND VENUE**

12. SCI admits that 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), provided that standing and other requirements are met. SCI denies the remaining allegations of paragraph 12.

13. For purposes of this action only, SCI does not contest that it is subject to personal jurisdiction in this Court. SCI further states that it is a holding company that holds stock in its operating subsidiaries, and does not manufacture, use, sell, or offer for sale any products or services. SCI specifically denies that it has committed acts of infringement in this judicial district or elsewhere. To the extent paragraph 13 is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same.

14. SCI does not contest that venue is proper in this district as to SCI for purposes of this action only. SCI specifically denies that it has committed acts of infringement in this judicial district or elsewhere. To the extent paragraph 14 is not directed at SCI, SCI lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and on that basis denies the same.

### **THE PATENTS-IN-SUIT**

15. SCI admits that United States Patent No. 6,771,970 (the "970 Patent") is entitled "Location Determination System." To the extent the allegations recited in this paragraph

purport to characterize the contents of a written document, said document speaks for itself. SCI denies the remaining allegations of paragraph 15.

16. SCI admits that United States Patent No. 7,907,933 (the “933 Patent”) is entitled “Call Routing Apparatus.” To the extent the allegations recited in this paragraph purport to characterize the contents of a written document, said document speaks for itself. SCI denies the remaining allegations of paragraph 16.

17. SCI admits that United States Patent 8,325,901 (the “901 Patent”) is entitled “Method and Apparatus for Providing Expanded Telecommunications Service.” To the extent the allegations recited in this paragraph purport to characterize the contents of a written document, said document speaks for itself. SCI denies the remaining allegations of paragraph 17.

18. SCI admits that United States Patent 7,636,428 (the “428 Patent”) is entitled “Systems and Methods for Call Screening.” To the extent the allegations recited in this paragraph purport to characterize the contents of a written document, said document speaks for itself. SCI denies the remaining allegations of paragraph 18.

19. SCI admits that United States Patent 7,822,188 (the “188 Patent”) is entitled “Method and Apparatus for Providing Expanded Telecommunications Service.” To the extent the allegations recited in this paragraph purport to characterize the contents of a written document, said document speaks for itself. SCI denies the remaining allegations of paragraph 19.

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