

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLWAVE COMMUNICATIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1701-RGA
)	
AT&T MOBILITY, LLC, and)	JURY TRIAL DEMANDED
GOOGLE INC.,)	
)	
Defendants.)	
)	

**AT&T MOBILITY LLC’S ANSWER TO CALLWAVE’S
SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant AT&T Mobility LLC (“AT&T”) answers Plaintiff CallWave Communications, LLC’s (“CallWave”) Second Amended Complaint for Patent Infringement (“Complaint”) (D.I. 29) as follows.

AT&T denies that CallWave is entitled to the relief requested, or any other relief. AT&T further denies each and every allegation contained in the Complaint, except as expressly stated below. Any factual allegation in the Complaint is admitted below only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications, or speculations that arguably follow from the facts as admitted.

STATEMENT OF JURISDICTION

1. AT&T admits that this Court has original jurisdiction of the subject matter of the Complaint pursuant to the provisions of 28 U.S.C. § 1331 and § 1338(a), but denies that the claims alleged in the Complaint are legally valid or sufficient.

NATURE OF THE ACTION

2. AT&T admits that CallWave purports to state a claim for patent infringement pursuant to the provisions of 35 U.S.C. §§ 271, *et seq.* AT&T admits that a copy of United States Patent Nos. 6,771,970; 7,907,933; 7,555,110; 7,822,188; and 7,397,910 (collectively, the “Asserted Patents”) are attached as Exhibits A-E to CallWave’s Complaint. The Complaint alleges that AT&T infringes only the ‘970 and ‘933 patents. AT&T denies that it infringes or has infringed any claim of the ‘970 or the ‘933 patents, and no response is required for the remaining Asserted Patents. The Court has dismissed all allegations that AT&T induces others to infringe. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 2, which do not relate to AT&T.

3. AT&T denies the allegations in Paragraph 3 as to AT&T. The Court has dismissed all allegations that AT&T induces others to infringe. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3, which do not relate to AT&T.

THE PARTIES

4. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4, which do not relate to AT&T.

5. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5, which do not relate to AT&T.

6. AT&T denies that it is a Georgia corporation headquartered at 1025 Lenox Park Boulevard, Atlanta, Georgia.

7. AT&T admits that it provides telecommunications services, to the extent the allegations are understood. AT&T denies the remaining allegations of Paragraph 7.

8. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8, which do not relate to AT&T.

9. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9, which do not relate to AT&T.

10. AT&T denies the allegations of Paragraph 10 as they relate to AT&T. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 10, which do not relate to AT&T.

11. AT&T denies the allegations of Paragraph 11 as they relate to AT&T. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 10, which do not relate to AT&T.

JURISDICTION AND VENUE

12. AT&T admits that this Court has original jurisdiction of the subject matter of the Complaint pursuant to the provisions of 28 U.S.C. § 1331 and § 1338(a), but denies that the claims alleged in the Complaint are legally valid or sufficient.

13. Solely for the purposes of this case, AT&T does not contest personal jurisdiction. The language “regularly transacts business in this judicial district” is vague and ambiguous, and therefore AT&T is without knowledge or information sufficient to form a belief as to the truth of this allegation. AT&T denies that it has committed acts of infringement of one or more of the claims of the Asserted Patents. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13, which do not relate to AT&T.

14. Solely for the purposes of this case, AT&T admits that venue is proper in this district, but not that this district is the most convenient venue. AT&T denies the remaining allegations of Paragraph 14 as to AT&T and specifically denies that it has committed any acts of

infringement. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14, which do not relate to AT&T.

THE PATENTS IN SUIT

15. AT&T admits that U.S. Patent No. 6,771,970 purports on its face to be entitled “Location Determination System.” Because the remaining allegations of Paragraph 15 are vague, ambiguous, and use terms whose meaning is potentially subject to dispute by the parties, AT&T denies those allegations.

16. AT&T admits that U.S. Patent No. 7,907,933 purports on its face to be entitled “Call Routing Apparatus.” Because the remaining allegations of Paragraph 16 are vague, ambiguous, and use terms whose meaning is potentially subject to dispute by the parties, AT&T denies those allegations.

17. AT&T admits that U.S. Patent No. 7,397,910 purports on its face to be entitled “Method and Apparatus for Providing Expanded Telecommunications Service.” The ‘910 Patent is not asserted against AT&T in this Action and therefore no response is required.

18. AT&T admits that U.S. Patent No. 7,822,188 purports on its face to be entitled “Methods and Apparatus for Providing Expanded Telecommunications Service.” The ‘188 Patent is not asserted against AT&T in this Action and therefore no response is required.

19. AT&T admits that U.S. Patent No. 7,555,110 purports on its face to be entitled “Methods and Apparatus for Providing Expanded Telecommunications Service.” The ‘110 Patent is not asserted against AT&T in this Action and therefore no response is required.

EXEMPLARY ACCUSED PRODUCTS

20. AT&T admits that it provides a service called AT&T FamilyMap. Because the remaining allegations of Paragraph 20 are vague, ambiguous, and use terms whose meaning is potentially subject to dispute by the parties, AT&T denies those allegations.

21. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21, which do not relate to AT&T.

22. AT&T admits that certain of its mobile customers have the option to have purchases made from the Google Play Store billed on their AT&T bill. AT&T denies the remaining allegations of Paragraph 22.

23. AT&T admits that certain of its mobile customers have the option to have purchases made from the Google Play Store billed on their AT&T bill. AT&T is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 23, which do not relate to AT&T.

24. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24, which do not relate to AT&T.

25. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25, which do not relate to AT&T.

INFRINGEMENT OF UNITED STATES PATENT NO. 6,771,970

26. AT&T incorporates its responses to Paragraphs 1 through 25.

27. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27.

28. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28, which do not relate to AT&T.

29. AT&T admits that it provides a service called AT&T FamilyMap. Because the remaining allegations of Paragraph 29 are vague, ambiguous, and use terms whose meaning is potentially subject to dispute by the parties, AT&T denies those allegations.

30. AT&T is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30, which do not relate to AT&T.

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