

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEMORY INTEGRITY, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.

Defendants.

Civil Action No. 13-cv-01808-GMS

JURY TRIAL DEMANDED

DEFENDANTS SAMSUNG ELECTRONICS CO., LTD.'S, SAMSUNG ELECTRONICS AMERICA, INC.'S, AND SAMSUNG TELECOMMUNICATIONS AMERICA, LLC'S ANSWER AND COUNTERCLAIMS TO MEMORY INTEGRITY, LLC'S COMPLAINT

Defendants Samsung Electronics Co., Ltd. ("SEC"), Samsung Electronics America, Inc. ("SEA"), and Samsung Telecommunications America, LLC ("STA") (collectively, "Samsung") hereby answer Memory Integrity, LLC's ("MI") Complaint filed on November 1, 2013 ("Complaint"). Samsung denies each and every allegation contained in the Complaint that it does not expressly admit below.

NATURE OF THE ACTION

1. Samsung admits that plaintiff Memory Integrity, LLC ("MI") purports to bring a patent infringement action and seeks damages pursuant to Title 35 of the United States Code. Samsung denies that it has engaged in any acts of patent infringement. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 1.

THE PARTIES

2. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies each and every allegation contained therein.

3. Samsung admits that Samsung Electronics Co. Ltd. is a corporation organized under the laws of the Republic of Korea with a principal place of business at 1320-10 Seocho 2-dong Seocho-gu, Seoul 137-857, Korea. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 3.

4. The Complaint erroneously names as a party a non-existent entity, Samsung Electronics America, LLC. Samsung admits that Samsung Electronics America, Inc. (not LLC) is a corporation organized under the laws of the State of New York with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660, and that Samsung Electronics America, Inc. is a wholly-owned subsidiary of Samsung Electronics Co. Ltd. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 4.

5. Samsung admits that Samsung Telecommunications America, LLC is a limited-liability company organized under the laws of the State of Delaware with a principal place of business at 1301 E. Lookout Dr., Richardson, Texas 75082, and that Samsung Telecommunications America, LLC is a wholly-owned subsidiary of Samsung Electronics America, Inc. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 5.

JURISDICTION AND VENUE

6. Samsung admits that this Court has subject matter jurisdiction over claims made pursuant to 28 U.S.C. §§ 1331 and 1338(a). Except as expressly admitted herein, Samsung denies each and every allegation in Paragraph 6.

7. Samsung admits that Samsung Telecommunications America, LLC is organized under the laws of the State of Delaware. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 7.

8. Samsung admits that venue is proper in the District of Delaware under 28 U.S.C. §§ 1391(c) and 1400(b), although Samsung expressly reserves the right to contest whether the District of Delaware is a convenient forum under, among others, the doctrine of *forum non conveniens*. Except as expressly admitted herein, Samsung denies each and every allegation set forth in Paragraph 8.

JOINDER

9. Samsung admits that joinder is proper under 35 U.S.C. § 299. Samsung denies that it has committed any acts of infringement. Except as expressly admitted herein, Samsung denies each and every allegation set forth in Paragraph 9.

THE PATENT-IN-SUIT

10. Samsung admits that what appears to be a copy of the '121 Patent was attached to the Complaint as Exhibit A, and that on its face, the '121 Patent is entitled "Reducing Probe Traffic in Multiprocessor Systems." Except as expressly admitted, Samsung denies each and every allegation in Paragraph 10.

11. Samsung denies that MI has the right to exclude others and to enforce, sue, and recover damages for past or future infringement based on the '121 Patent. Samsung is without information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 11, and on that basis denies them.

COUNT I – [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 7,296,121

12. Samsung incorporates its responses to Paragraphs 1 through 11 herein by reference.

13. Samsung admits that the Complaint accuses the Samsung Galaxy S2, Samsung Galaxy Tab 7.0, Samsung Galaxy Note 2, Samsung Galaxy Note 10.1, and Samsung Chromebook (XE303C12) of infringing claim 1 of the asserted '121 Patent. Except as expressly

admitted herein, Samsung denies each and every allegation in Paragraph 13.

14. Samsung admits it was served with the Complaint. Except as expressly admitted, Samsung denies each and every allegation in Paragraph 14.

15. Samsung denies the allegations in Paragraph 15.

16. Samsung denies the allegations in Paragraph 16.

17. Samsung denies the allegations in Paragraph 17.

JURY DEMAND

To the extent a response is required, Samsung admits that MI's Complaint contains a request for a jury trial.

PRAYER FOR RELIEF

Samsung denies that MI is entitled, or should receive any relief, and requests that the Court deny all relief sought by MI. Samsung specifically denies all of the allegations contained in MI's prayer for relief.

SAMSUNG'S DEFENSES

Without admitting or acknowledging that Samsung bears the burden of proof as to any of them and reserving the right to amend its Answer as additional information becomes available, Samsung pleads the following defenses:

FIRST DEFENSE (NON-INFRINGEMENT)

1. Samsung has not engaged in any acts that would constitute infringement of, contributory infringement of, or inducement to infringe, any valid claim of the '121 Patent, either literally or under the doctrine of equivalents.

2. On information and belief, between at least 2001 and 2005, Newisys, Inc., the

original assignee of the '121 Patent, worked with Advanced Micro Devices, Inc. ("AMD"), including work to develop AMD's "K8" server platform. *See* www.amd.com/us/press-releases/Pages/Press_Release_70832.aspx and www.amd.com/us/press-releases/Pages/Press_Release_97039.aspx. On information and belief, the technology underlying the claims of the '121 Patent is based on the work related to AMD's K8 server platform.

3. All independent claims of the '121 Patent, and therefore all claims of the '121 Patent, require a "point-to-point architecture" (as acknowledged by Paragraph 15(a) of the Complaint). The '121 Patent specification describes a "point-to-point architecture" as one having point-to-point communication links providing interconnections between the processors. *See, e.g.*, '121 Patent at col. 6, ll. 36-44. On information and belief, the K8 server platform developed by AMD with Newisys's assistance similarly included a point-to-point architecture.

4. The Accused Instrumentalities listed in Paragraph 13 of the Complaint all contain multicore processor devices that further include processor cores supplied by a third-party ARM Holdings. *See* <http://www.samsung.com/us/mobile/cell-phones> and <http://www.samsung.com/us/mobile/galaxy-tab>. These processor cores are referred to as ARM Cortex MP Cores. *See* <http://www.samsung.com/global/business/semiconductor/product/application/catalogue>. None of these ARM Cortex MP Cores have a point-to-point architecture as that term is used in the '121 Patent. Information regarding these ARM Cortex MP Cores and associated architectures, including the bus structures used to interconnect the multiple processors through a Snoop Control Unit ("SCU"), is publicly available at www.arm.com/products/processors/cortex-a/index.php. Because none of the ARM Cortex MP Cores used by the Accused Instrumentalities has a point-to-point architecture, the Accused

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