

1 JOSE L. PATIÑO, CA Bar No. 149568
jpatino@foley.com
2 NICOLA A. PISANO, CA Bar No. 151282
npisano@foley.com
3 CHRISTOPHER C. BOLTEN, CA Bar No. 268284
cbolten@foley.com

4 **FOLEY & LARDNER LLP**
3579 VALLEY CENTRE DRIVE, SUITE 300
5 SAN DIEGO, CA 92130-3302
TELEPHONE: 858.847.6700
6 FACSIMILE: 858.792.6773

7 Attorneys for Defendants and Counter-
Plaintiffs Huawei Technologies Co., Ltd.,
8 Futurewei Technologies, Inc. and Huawei
Device USA, Inc.
9

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

13 SPH AMERICA, LLC,
14 Plaintiff and Counter-Defendant,
15 vs.

16 HUAWEI TECHNOLOGIES, CO.,
17 LTD., FUTUREWEI
18 TECHNOLOGIES, INC., HUAWEI
DEVICE USA, INC.,
19 Defendants and Counter-
20 Plaintiffs.

Case No. 3:13-cv-02323-CAB-NLS

**HUAWEI DEFENDANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO PLAINTIFF SPH
AMERICA'S SUPPLEMENTAL FIRST
AMENDED COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

21
22 Defendants Huawei Technologies Co., Ltd., Futurewei Technologies, Inc., and
23 Huawei Device USA, Inc. (collectively "Huawei"), by and through their undersigned
24 attorneys, hereby answer the Supplemental First Amended Complaint for Patent
25 Infringement and Jury Demand (the "Complaint") filed by Plaintiff SPH America, LLC
26 ("SPH") as follows:
27
28

1 **I. PARTIES**

2 1. Huawei lacks knowledge or information sufficient to form a belief as to the
3 truth of the allegations contained in Paragraph 1 of the Complaint, and on that basis,
4 denies the allegations of this paragraph.

5 2. Huawei Technologies Co., Ltd. admits that it is a Chinese corporation with
6 principal place of business in Shenzhen, China, and that it is an indirect subsidiary of
7 Shenzhen Huawei Investment and Holding Co., Ltd. Futurewei Technologies, Inc.
8 admits that it is a Delaware Corporation with its principal place of business at 5700
9 Tennyson Parkway, Suite #500, Plano, Texas, 75024, and that it is an indirect subsidiary
10 of Shenzhen Huawei Investment and Holding Co., Ltd. Huawei Device USA, Inc. admits
11 that it is a Texas Corporation with principal place of business at 5700 Tennyson Parkway,
12 Suite #600, Plano, Texas 75024, and that it is an indirect subsidiary of Shenzhen Huawei
13 Investment and Holding Co., Ltd. Huawei denies the remaining allegations of Paragraph
14 2 of the Complaint.

15 **II. JURISDICTION AND VENUE**

16 3. Huawei admits that SPH alleges in Paragraph 3 of the Complaint that this
17 action arises under the patent laws of the United States, Title 35 of the United States
18 Code. Because SPH alleges that this action arises under the patent laws of the United
19 States, Title 35 of the United States Code, this Court has subject matter jurisdiction
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

21 4. Huawei admits that this Court has specific and general personal jurisdiction
22 over Huawei. Huawei denies the remaining allegations of Paragraph 4 of the Complaint.

23 5. Huawei admits that venue is proper in the Southern District of California
24 under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). Huawei denies the remaining
25 allegations of Paragraph 5 of the Complaint, including the false allegation that Huawei
26 sells infringing goods in this judicial district or elsewhere.