

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SOLOCRON MEDIA, LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC., CELLCO  
PARTNERSHIP D/B/A VERIZON WIRELESS,  
AT&T INC., AT&T MOBILITY LLC, SPRINT  
CORPORATION, SPRINT COMMUNICATIONS  
COMPANY L.P., SPRINT SOLUTIONS INC., AND  
T-MOBILE USA, INC.,

Defendants.

Case No. 2:13-cv-1059-JRG

**[JURY TRIAL DEMANDED]**

**DEFENDANTS VERIZON COMMUNICATIONS INC. AND CELLCO PARTNERSHIP  
D/B/A VERIZON WIRELESS'S ANSWER AND AFFIRMATIVE DEFENSES AND  
DEFENDANT CELLCO PARTNERSHIP'S COUNTERCLAIMS TO PLAINTIFF'S  
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Verizon Communications Inc. ("VCI") and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") (collectively, "Verizon") hereby submit their Answer and Affirmative Defenses and Verizon Wireless's Counterclaims to Plaintiff Solocron Media, LLC's ("Solocron") First Amended Complaint:

**THE NATURE OF THE ACTION**<sup>1</sup>

1. Paragraph 1 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon admits only that the Amended Complaint purports to assert claims for patent infringement. Verizon specifically denies that it has committed or continues to commit any wrongful acts, including direct or

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<sup>1</sup> For ease of reference, Verizon incorporates the outline headings used in the Complaint. To the extent that such headings make factual allegations, Verizon does not adopt or admit such statements and instead denies them.

indirect infringement of any valid, enforceable claim of any of the Patents-in-Suit. Verizon denies all remaining allegations contained in paragraph 1 to the extent they relate to Verizon. Verizon lacks information sufficient to form a belief as to the truth of the allegations in paragraph 1 as to the other named defendants and therefore denies same.

2. Paragraph 2 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore denies same.

3. Paragraph 3 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon specifically denies that it has committed or continues to commit any wrongful acts, including direct or indirect infringement of any valid, enforceable claim of any of the Patents-in-Suit. Verizon denies that Solocron is or has been damaged and/or is entitled to injunctive relief. Verizon denies that Solocron is entitled to the requested relief or any other relief. Verizon denies all remaining allegations contained in paragraph 3 to the extent they relate to Verizon. Verizon lacks information sufficient to form a belief as to the truth of the allegations in paragraph 3 as to the other named defendants and therefore denies same.

4. Paragraph 4 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon denies that Solocron is entitled to the request relief or any relief. Verizon denies all remaining allegations contained in paragraph 4.

#### **THE PARTIES**

5. Verizon lacks information sufficient to form a belief as to the truth of the

allegations contained in paragraph 5 and therefore denies same.

6. Verizon admits that VCI is a Delaware corporation with a principal place of business at 140 West Street, New York, New York. Verizon admits that VCI may be served through its agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Verizon denies that VCI is doing business in the Eastern District of Texas. Verizon denies all remaining allegations contained in paragraph 6.

7. Verizon admits Verizon Wireless is a general partnership organized and existing under the laws of the State of Delaware and that it has a principal place of business in Basking Ridge, New Jersey. Verizon admits that Verizon Wireless may be served through its agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Verizon admits that Verizon Wireless provides wireless service around the country, including in the Eastern District of Texas. Verizon denies all remaining allegations contained in paragraph 7.

8. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 and therefore denies same.

9. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 and therefore denies same.

10. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 and therefore denies same.

11. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 and therefore denies same.

12. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 and therefore denies same.

13. Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 and therefore denies same.

**JURISDICTION AND VENUE**

14. Paragraph 14 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon admits that this action purports to arise under the Patent Laws of the United States, Title 35, United States Code.

15. Paragraph 15 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon Wireless admits that this Court has jurisdiction over the subject matter based upon the Patent Laws of the United States, Title 35, United States Code, and by Title 28, United States Code, § 1331 and § 1338(a).

16. Paragraph 16 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 and therefore denies same.

17. Paragraph 17 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon admits only that VCI is the parent corporation of Verizon Wireless. Verizon specifically denies that VCI conducts substantial business in Texas, maintains retail stores, or offers to sell products or services in Texas. Verizon specifically denies that it has committed or continues to commit any wrongful acts, including direct or indirect infringement of any valid, enforceable claim of any of the Patents-in-Suit. Verizon denies all remaining allegations contained in paragraph 17.

18. Paragraph 18 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Verizon admits that

**COUNTERCLAIM COUNT XIV**  
**(Non-infringement of U.S. Patent No. 8,594,651)**

58. Verizon Wireless realleges and incorporates by reference the allegations in paragraphs 1-57 above.

59. Solocron has asserted that Verizon Wireless infringes the '651 patent.

60. An actual controversy exists between Solocron and Verizon Wireless regarding infringement of the '651 patent.

61. Verizon Wireless has not infringed and does not infringe any valid, enforceable claim of the '651 patent literally, directly, jointly, contributorily, by way of inducement, and/or under the doctrine of equivalents.

**JURY DEMAND**

In accordance with FED. R. CIV. P. 38(b), Verizon Wireless demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Verizon prays that this Court enter judgment:

A. dismissing the First Amended Complaint with prejudice and denying each and every prayer for relief contained therein;

B. declaring that none of the claims of the Patents-in-Suit are directly, jointly, or indirectly infringed by the use, sale or offer for sale of any of Verizon's services or products or any other activity attributable to Verizon, either literally or under the doctrine of equivalents;

C. declaring that the claims of the Patents-in-Suit patent are invalid;

D. declaring that this case is "exceptional" within the meaning of 35 U.S.C. § 285, and that all costs and expenses of this action, including reasonable attorneys' fees, be awarded to Verizon;

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