

**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 ACTION¹

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

¹ 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;

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.