

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

_____)	
ANDREA ELECTRONICS CORPORATION,)	
)	C.A. No. 2:14-cv-04488 (KAM-GRB)
Plaintiff,)	
)	JURY TRIAL DEMANDED
v.)	
)	
ACER AMERICA CORPORATION AND)	
ACER INC.,)	
)	
)	
Defendants.)	
)	
_____)	

**DEFENDANTS ACER INC. AND ACER AMERICA CORPORATION’S ANSWER AND
DEFENSES TO PLAINTIFF ANDREA ELECTRONICS CORPORATION’S FIRST
AMENDED COMPLAINT**

Defendants Acer Inc. and Acer America Corporation (“Defendants” or “Acer”) answer Plaintiff Andrea Electronics Corporation’s (“Plaintiff” or “Andrea”) First Amended Complaint (“Complaint”) dated November 10, 2014 as follows:

NATURE OF ACTION

1. Acer admits that the Complaint alleges patent infringement. Acer denies infringement, the legal sufficiency of Andrea’s complaint, and that Andrea has any viable claim for relief. Except as expressly admitted, Acer denies each and every allegation of paragraph 1.

2. Acer admits that the Complaint alleges direct infringement. Acer admits that Acer America has imported and sold computer products in the United States. Acer denies the remaining allegations in paragraph 2.

3. Acer admits that the Complaint alleges indirect infringement. Acer denies the remaining allegations in paragraph 3.

THE PARTIES

4. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 and on that basis denies each and every allegation of paragraph 4.

5. Acer admits that Acer Inc. is a corporation organized and existing under the laws of Taiwan, with its principal place of business at 8F, 88, Sec. 1, Xintai 5th Rd. Xixhi, New Taipei City 221, Taiwan.

6. Acer admits that Acer America Corporation is a corporation organized and existing under the laws of the state of California with its principal place of business at 333 West San Carlos Street, 1500, San Jose, CA 95110. Acer admits that Acer America Corporation is a subsidiary of Acer Inc. Acer denies the remaining allegations in paragraph 6.

JURISDICTION AND VENUE

7. Acer admits that the Complaint alleges patent infringement and that Federal Question jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1331 and § 1338(a).

8. For purposes of this action only, Acer admits that Acer is subject to personal jurisdiction in the Eastern District of New York. Except as expressly admitted, Acer denies each and every allegation set forth in paragraph 8.

9. Acer admits that venue is proper in this district. For the purposes of this action only, Acer admits that it is subject to personal jurisdiction in this district. Acer denies that it has committed acts of infringement in this district. Except as expressly admitted, Acer denies each and every allegation set forth in paragraph 9.

BACKGROUND AND FACTS RELATED TO THIS ACTION

10. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10, and on that basis denies each and every allegation of paragraph 10.

11. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11, and on that basis denies each and every allegation of paragraph 11.

12. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and on that basis denies each and every allegation of paragraph 12.

13. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13, and on that basis denies each and every allegation of paragraph 13.

14. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14, and on that basis denies each and every allegation of paragraph 14.

15. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15, and on that basis denies each and every allegation of paragraph 15.

16. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16, and on that basis denies each and every allegation of paragraph 16.

17. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17, and on that basis denies each and every allegation of paragraph 17.

18. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18, and on that basis denies each and every allegation of paragraph 18.

19. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19, and on that basis denies each and every allegation of paragraph 19.

20. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20, and on that basis denies each and every allegation of paragraph 20.

COUNT I

21. Acer incorporates by reference paragraphs 1 through 20 as if fully restated herein.

22. Acer admits that on its face, United States Patent No. 5,825,898 (the “’898 Patent”) is entitled “System and Method for Adaptive Interference Cancelling,” and states that it was issued on October 20, 1998. Acer lacks knowledge or information sufficient to form a belief as to the truth of each of the remaining allegations set forth in Paragraph 22, including but not

limited to the allegations that the '898 Patent “was duly and legally issued” and “is in full force and effect,” and on that basis denies them.

23. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 23, and on that basis denies each and every allegation of paragraph 23.

24. The allegations of paragraph 24 are too vague and ambiguous to permit a reasonable response. As currently alleged, Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24, and on that basis denies each and every allegation of paragraph 24.

25. Denied.

26. Denied.

COUNT II

27. Acer incorporates by reference paragraphs 1 through 26 as if fully restated herein.

28. Acer admits that on its face, United States Patent No. 6,049,607 (the “'607 Patent”) is entitled “Interference Canceling Method and Apparatus,” and states that it was issued on April 11, 2000. Acer lacks knowledge or information sufficient to form a belief as to the truth of each of the remaining allegations set forth in Paragraph 28, including but not limited to the allegations that the '607 Patent “was duly and legally issued” and “is in full force and effect,” and on that basis denies them.

29. Acer lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 29, and on that basis denies each and every allegation of paragraph 29.

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