UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDREA ELECTRONICS CORPORATION

Plaintiff,

v.

LENOVO HOLDING COMPANY, INC., and
LENOVO (UNITED STATES) INC.

Defendants.

Civil No. 2:14-cv-04489-KAM-GRB

JURY TRIAL DEMANDED

**PLAINTIFF ANDREA ELECTRONICS CORPORATION'S ANSWER TO
DEFENDANTS LENOVO HOLDING COMPANY, INC. AND LENOVO
(UNITED STATES) INC.'S COUNTERCLAIMS TO PLAINTIFF'S
<u>FIRST AMENDED COMPLAINT</u>**

Plaintiff Andrea Electronics Corporation ("Andrea") answers defendants Lenovo Holding

Company, Inc. and Lenovo (United States) Inc.'s (collectively, "Lenovo") counterclaims to

Andrea's First Amended Complaint for Patent Infringement below. Any allegations not

specifically admitted herein are denied.

<u>COUNTERCLAIMS</u>

1.   No allegations are set forth in Paragraph 1 of Lenovo's counterclaims, and as

such, no response is required.

<u>THE PARTIES</u>

2.   Andrea is without knowledge or information sufficient to form a belief as to the

truth of the allegations of Paragraph 2 of Lenovo's counterclaims and therefore denies them.

3.   Andrea is without knowledge or information sufficient to form a belief as to the

truth of the allegations of Paragraph 3 of Lenovo's counterclaims and therefore denies them.

4.   Admitted.

JURISDICTION AND VENUE

5.   Admitted that this Court has jurisdiction over the subject matter of Lenovo's counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202 and that venue for Lenovo's counterclaims are proper in this District. All other allegations are denied.

6.   Admitted.

FACTUAL BACKGROUND

7.   Admitted.

8.   Denied.

9.   Admitted that there is an actual case or controversy between the parties over the non-infringement, invalidity, and/or unenforceability of the Asserted Patents, but denied that the Asserted Patents are not infringed, invalid, and/or unenforceable.

COUNT ONE
(Declaratory Judgment of Non-infringement of U.S. **Patent No. 5,825,898)**

10.   No allegations are set forth in Paragraph 10 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea incorporates by reference its answers in paragraphs 1 through 9 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

11.   Admitted that an actual case or controversy exists between Lenovo and Andrea as to whether the '898 patent is infringed by Lenovo, but denied that the '898 patent is not infringed by Lenovo.

12.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 12 of Lenovo's counterclaims, and as such denies those allegations.

13.   Denied.

14.   Denied.

COUNT TWO
(Declaratory Judgment of Invalidity of U.S. Patent No. 5,825,898)

15.   No allegations are set forth in Paragraph 15 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea incorporates by reference its answers in paragraphs 1 through 14 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

16.   Admitted that an actual case or controversy exists between Lenovo and Andrea regarding the validity of the '898 patent, but denied that the '898 patent is invalid.

17.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 17 of Lenovo's counterclaims, and as such denies those allegations.

18.   Denied.

19.   Denied.

COUNT THREE
(Declaratory Judgment of Non-infringement of U.S. Patent No. 6,049,607)

20.   No allegations are set forth in Paragraph 20 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea incorporates by reference its answers in paragraphs 1 through 19 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

21.   Admitted that an actual case or controversy exists between Lenovo and Andrea as to whether the '607 patent is infringed by Lenovo, but denied that the '607 patent is not infringed by Lenovo.

22.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 22 of Lenovo's counterclaims, and as such denies those allegations.

23.   Denied.

24.   Denied.

COUNT FOUR
(Declaratory Judgment of Invalidity of U.S. Patent No. 6,049,607)

25.   No allegations are set forth in Paragraph 25 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, incorporates by reference its answers in paragraphs 1 through 24 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

26.   Admitted that an actual case or controversy exists between Lenovo and Andrea regarding the validity of the '607 patent, but denied that the '607 patent is invalid.

27.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 27 of Lenovo's counterclaims, and as such denies those allegations.

28.   Denied.

29.   Denied.

COUNT FIVE
(Declaratory Judgment of Non-infringement of U.S. Patent No. 6,363,345)

30.   No allegations are set forth in Paragraph 30 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea incorporates by reference its answers in paragraphs 1 through 29 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

31.   Admitted that an actual case or controversy exists between Lenovo and Andrea as to whether the '345 patent is infringed by Lenovo, but denied that the '345 patent is not infringed by Lenovo.

32.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 32 of Lenovo's counterclaims, and as such denies those allegations.

33.   Denied.

34.   Denied.

COUNT SIX
(Declaratory Judgment of Invalidity of U.S. Patent No. 6,363,345)

35.   No allegations are set forth in Paragraph 35 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea incorporates by reference its answers in paragraphs 1 through 34 of its answer to Lenovo's counterclaims to Andrea's First Amended Complaint.

36.   Admitted that an actual case or controversy exists between Lenovo and Andrea regarding the validity of the '345 patent, but denied that the '345 patent is invalid.

37.   Andrea lacks knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 37 of Lenovo's counterclaims, and as such denies those allegations.

38.   Denied.

39.   Denied.

COUNT SEVEN
(Declaratory Judgment of Non-infringement of U.S. Patent No. 6,483,923)

40.   No allegations are set forth in Paragraph 40 of Lenovo's counterclaims, and as such, no response is required. To the extent a response is deemed necessary, Andrea

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