

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

FUNDAMENTAL INNOVATION	)	
SYSTEMS INTERNATIONAL, LLC,	)	
	)	
Plaintiff,	)	Case No. 2:17-cv-124-JRG
	)	
v.	)	
	)	
ZTE CORPORATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT ZTE TX INC.’S ANSWER  
TO PLAINTIFF’S AMENDED COMPLAINT**

Defendant ZTE TX Inc. (“ZTE TX”) responds to Plaintiff’s Amended Complaint as follows. This Answer is solely on behalf of ZTE TX and is not on behalf of Defendant ZTE Corporation or Defendant ZTE (USA) Inc.

**PARTIES**

1. ZTE TX lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1 of the Amended Complaint and therefore denies the same.
2. ZTE TX lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2 of the Amended Complaint and therefore denies the same.
3. ZTE TX admits that ZTE Corporation is organized and existing under the laws of China with its principal place of business at No. 55, Hitech Road South, Shenzhen, China 518057. Except as expressly admitted, ZTE TX denies the allegations in paragraph 3 of the Amended Complaint.

4. ZTE TX admits that ZTE (USA) Inc. is a New Jersey corporation. ZTE TX admits that ZTE (USA) Inc. sells consumer electronics. Except as expressly admitted, ZTE TX denies the allegations in paragraph 4 of the Amended Complaint.

5. ZTE TX admits that ZTE TX is a Texas corporation that may be served through its registered agent, Ferguson, Braswell & Fraser, PC, 2500 Dallas Parkway, Suite 501, Plano, Texas 75093. ZTE TX denies that it sells consumer electronics, mobile phones, and related accessories. Except as expressly admitted, ZTE TX denies the allegations in paragraph 5 of the Amended Complaint.

6. The allegations in paragraph 6 of the Complaint express legal conclusions to which no response is required. To the extent that a response is required, ZTE TX admits that ZTE (USA) Inc. identifies with the trade name "ZTE." ZTE TX admits that ZTE (USA) Inc. sells products in the United States. ZTE TX specifically denies that ZTE TX has committed acts of infringement under any theory of infringement in this judicial district or elsewhere in the United States. Except as expressly admitted, ZTE TX denies the allegations in paragraph 6 of the Amended Complaint.

#### **JURISDICTION AND VENUE**

7. The allegations in paragraph 7 of the Amended Complaint express legal conclusions to which no response is required.

8. The allegations in paragraph 8 of the Amended Complaint express legal conclusions to which no response is required. To the extent that a response is required, ZTE TX admits that ZTE TX conducts business in Texas and maintains a facility and employees within Texas. ZTE TX specifically denies that ZTE TX has committed acts of infringement under any theory of infringement in this judicial district or elsewhere in the United States. ZTE TX admits it has a registered agent, Ferguson, Braswell & Fraser, PC, 2500 Dallas Parkway, Suite 501,

Plano, Texas 75093. Except as expressly admitted, ZTE TX denies the allegations in paragraph 8 of the Amended Complaint.

9. ZTE TX admits that venue is proper in this judicial district. ZTE TX admits that it resides and is subject to personal jurisdiction in this judicial district. ZTE TX denies that it has a regular and established place of business in this judicial district. ZTE TX specifically denies that ZTE TX has committed acts of infringement under any theory of infringement in this judicial district or elsewhere in the United States. Except as expressly admitted, ZTE TX denies the allegations in paragraph 9 of the Amended Complaint.

#### **FACTUAL ALLEGATIONS**

10. ZTE TX denies every allegation in paragraph 10 of the Amended Complaint.

11. ZTE TX lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11 of the Amended Complaint and therefore denies the same.

12. ZTE TX lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12 of the Amended Complaint and therefore denies the same.

13. ZTE TX denies every allegation in paragraph 13 of the Amended Complaint.

14. The allegations in paragraph 14 of the Amended Complaint express legal conclusions and claim language, there has been no claim construction order in this action, and thus, no response is required. To the extent that a response is required, ZTE TX denies every allegation in paragraph 14 of the Amended Complaint.

15. The allegations in paragraph 15 of the Amended Complaint express legal conclusions and claim language, there has been no claim construction order in this action, and thus, no response is required. To the extent that a response is required, ZTE TX denies every allegation in paragraph 15 of the Amended Complaint. ZTE TX denies every allegation in paragraph 16 of the Amended Complaint.

16. The allegations in paragraph 16 of the Amended Complaint express legal conclusions and claim language, there has been no claim construction order in this action, and thus, no response is required. To the extent that a response is required, ZTE TX denies every allegation in paragraph 16 of the Amended Complaint.

17. ZTE TX denies every allegation in paragraph 17 of the Amended Complaint.

18. ZTE TX denies every allegation in paragraph 18 of the Amended Complaint.

19. ZTE TX denies every allegation in paragraph 19 of the Amended Complaint.

20. ZTE TX denies every allegation in paragraph 20 of the Amended Complaint.

21. The allegations in paragraph 21 of the Amended Complaint express legal conclusions to which no response is required. To the extent that a response is required, ZTE TX specifically denies that ZTE has committed acts of infringement under any theory of infringement in this judicial district or elsewhere in the United States.

**FIRST CLAIM FOR RELIEF**  
**([Alleged] Infringement of U.S. Patent No. 8,232,766)**

22. ZTE TX incorporates by reference each of its responses set forth in paragraphs 1 to 21 as if fully set forth herein.

23. ZTE TX admits that Exhibit A to the Amended Complaint appears to be a copy of U.S. Patent No. 8,232,766 (“the ’766 patent”). ZTE TX admits that the face of Exhibit A shows the title “Multifunctional Charger System and Method.” ZTE TX admits that the face of Exhibit A states that the ’766 patent issued on July 31, 2012. Except as expressly admitted, ZTE TX denies the allegations in paragraph 23 of the Amended Complaint.

24. ZTE TX admits that the face of Exhibit A indicates that the ’766 patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T.

Malton as inventors. Except as expressly admitted, ZTE TX denies the allegations in paragraph 24 of the Amended Complaint.

25. ZTE TX lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25 of the Amended Complaint and therefore denies the same.

26. ZTE TX denies every allegation in paragraph 26 of the Amended Complaint.

27. ZTE TX denies every allegation in paragraph 27 of the Amended Complaint.

28. ZTE TX denies every allegation in paragraph 28 of the Amended Complaint.

29. ZTE TX denies every allegation in paragraph 29 of the Amended Complaint.

30. ZTE TX denies every allegation in paragraph 30 of the Amended Complaint.

31. ZTE TX denies every allegation in paragraph 31 of the Amended Complaint.

**SECOND CLAIM FOR RELIEF**  
**([Alleged] Infringement of U.S. Patent No. 7,834,586)**

32. ZTE TX incorporates by reference each of its responses set forth in paragraphs 1 to 31 as if fully set forth herein.

33. ZTE TX admits that Exhibit B to the Amended Complaint appears to be a copy of U.S. Patent No. 7,834,586 (“the ’586 patent”). ZTE TX admits that the face of Exhibit B shows the title “Multifunctional Charger System and Method.” ZTE TX admits that the face of Exhibit B states that the ’586 patent issued on November 16, 2010. Except as expressly admitted, ZTE TX denies the allegations in paragraph 33 of the Amended Complaint.

34. ZTE TX admits that the face of Exhibit B indicates that the ’586 patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as inventors. Except as expressly admitted, ZTE TX denies the allegations in paragraph 34 of the Amended Complaint.

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