

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FUNDAMENTAL INNOVATION)	
SYSTEMS INTERNATIONAL, LLC,)	
)	
Plaintiff,)	Civil Action No. 3:17-CV-01827-N
)	
v.)	
)	
ZTE CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANT ZTE (USA), INC.’S ANSWER
TO PLAINTIFF’S AMENDED COMPLAINT**

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

PARTIES

1. ZTE (USA) 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 (USA) 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 (USA) 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 (USA) denies the allegations in paragraph 3 of the Amended Complaint.

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

5. ZTE (USA) admits that ZTE (TX) is a Texas corporation. Except as expressly admitted, ZTE (USA) 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 (USA) admits that it identifies with the trade name "ZTE." ZTE (USA) admits that it sells products in the United States. ZTE (USA) specifically denies that ZTE (USA) 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 (USA) 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 (USA) admits that ZTE (USA) conducts business in Texas and maintains a facility and employees within Texas. ZTE (USA) specifically denies that ZTE (USA) 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 (USA) denies the allegations in paragraph 8 of the Amended Complaint.

9. ZTE (USA) admits that venue is proper in this judicial district. Except as expressly admitted, ZTE (USA) denies the allegations in paragraph 9 of the Amended Complaint.

FACTUAL ALLEGATIONS

10. ZTE (USA) denies every allegation in paragraph 10 of the Amended Complaint.

11. ZTE (USA) 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 (USA) 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 (USA) 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 (USA) 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 (USA) denies every allegation in paragraph 15 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 (USA) denies every allegation in paragraph 16 of the Amended Complaint.

17. ZTE (USA) admits that Plaintiff sent a letter dated December 11, 2016, addressed to Jim Wang. ZTE (USA) further admits that it has received Plaintiff's Complaint and Amended Complaint. Except as expressly admitted, ZTE (USA) denies the allegations in paragraph 23 of the Amended Complaint.

18. ZTE (USA) denies every allegation in paragraph 18 of the Amended Complaint.

19. ZTE (USA) denies every allegation in paragraph 19 of the Amended Complaint.

20. ZTE (USA) denies every allegation in paragraph 20 of the Amended Complaint.

21. ZTE (USA) denies every allegation in paragraph 21 of the Amended Complaint.

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

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

23. ZTE (USA) 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 (USA) admits that the face of Exhibit A shows the title "Multifunctional Charger System and Method." ZTE (USA) admits that the face of Exhibit A states that the '766 patent issued on July 31, 2012. Except as expressly admitted, ZTE (USA) denies the allegations in paragraph 23 of the Amended Complaint.

24. ZTE (USA) 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 (USA) denies the allegations in paragraph 24 of the Amended Complaint.

25. ZTE (USA) 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 (USA) denies every allegation in paragraph 26 of the Amended Complaint.
27. ZTE (USA) denies every allegation in paragraph 27 of the Amended Complaint.
28. ZTE (USA) denies every allegation in paragraph 28 of the Amended Complaint.
29. ZTE (USA) denies every allegation in paragraph 29 of the Amended Complaint.
30. ZTE (USA) denies every allegation in paragraph 30 of the Amended Complaint.
31. ZTE (USA) 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 (USA) incorporates by reference each of its responses set forth in paragraphs 1 to 31 as if fully set forth herein.

33. ZTE (USA) 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 (USA) admits that the face of Exhibit B shows the title “Multifunctional Charger System and Method.” ZTE (USA) admits that the face of Exhibit B states that the ’586 patent issued on November 16, 2010. Except as expressly admitted, ZTE (USA) denies the allegations in paragraph 33 of the Amended Complaint.

34. ZTE (USA) 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 (USA) denies the allegations in paragraph 34 of the Amended Complaint.

35. ZTE (USA) lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35 of the Amended Complaint and therefore denies the same.

36. ZTE (USA) denies every allegation in paragraph 36 of the Amended Complaint.

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