

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

UNILOC USA, INC. and  
UNILOC LUXEMBOURG S.A.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 2:17-cv-00457

**JURY TRIAL DEMANDED**

**DEFENDANT APPLE INC.'S ANSWER TO  
PLAINTIFF UNILOC USA, INC. AND UNILOC LUXEMBOURG S.A.'S  
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant, Apple Inc. ("Apple"), as and for its answer to Plaintiff Uniloc USA, Inc. and Uniloc Luxembourg S.A.'s (collectively, "Uniloc") Amended Complaint for Patent Infringement, states as follows:

**THE PARTIES**

1. Apple lacks information sufficient to admit or deny the allegations of paragraph 1 of the Amended Complaint.
2. Apple lacks information sufficient to admit or deny the allegations of paragraph 2 of the Amended Complaint.
3. Apple admits that it is a California corporation having a principal place of business in Cupertino, California. Apple further admits that it operates retail stores at 2601 Preston Road, Frisco, TX and at 6121 West Park Boulevard, Plano, TX. Apple admits that it offers products and services, including certain models of iPhones, iPads, and Mac computers, for

sale to customers in Texas and in this District. Apple admits that it may be served with process through its registered agent for service in Texas. Apple denies the remaining allegations of paragraph 3 of the Amended Complaint.

#### **JURISDICTION AND VENUE**

4. Apple admits that the Amended Complaint purports to state a cause of action for patent infringement under the patent laws of the United States, and that the Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338. Apple denies that it has committed acts of patent infringement, whether in this District or elsewhere.

5. Apple does not contest that venue is proper in this District for the purposes of the above-captioned case. Apple denies, however, that venue in this District is convenient or in the interest of justice under 28 U.S. C. § 1404(a), et al., and reserves its right to move to transfer venue of this action accordingly. Apple denies that it has committed acts of infringement within this District or elsewhere. Apple admits that it has transacted business within the State of Texas and within this District and that it has sold products and services, including certain models of iPhones, iPads, and Mac computers, to customers in Texas and in this District. Except as specifically admitted, Apple denies the allegations in paragraph 5 of the Amended Complaint.

#### **COUNT I ALLEGED INFRINGEMENT OF U.S. PATENT NO. 7,092,671**

6. This paragraph incorporates by reference paragraphs 1-5 of Uniloc's Amended Complaint. Apple therefore incorporates by reference its answers to those paragraphs, as set forth above.

7. Apple admits that a document appearing on its face to be U.S. Patent 7,092,671 ("the '671 Patent") was attached to the Amended Complaint. Apple further admits that the '671 Patent is entitled "Method and System For Wirelessly Autodialling A Telephone Number From

A Record Stored On A Personal Information Device,” and that the face of the ‘671 Patent states that it issued on August 15, 2006. Apple lacks information sufficient to admit or deny the remaining allegations of paragraph 7 of the Amended Complaint.

8. Apple lacks information sufficient to admit or deny the allegations of paragraph 8 of the Amended Complaint.

9. Apple admits that it makes, uses, and sells certain models of iPhones, iPads, and Mac computers.

10. Apple admits that iPhones, iPads, and Mac computers support certain forms of wireless communications capabilities. As presently understood, Apple denies the remaining allegations of paragraph 10 of the Amended Complaint.

11. Apple denies the allegations of paragraph 11 of the Amended Complaint.

12. Apple denies the allegations of paragraph 12 of the Amended Complaint.

13. Apple denies the allegations of paragraph 13 of the Amended Complaint.

14. Apple denies the allegations of paragraph 14 of the Amended Complaint.

15. Apple denies the allegations of paragraph 15 of the Amended Complaint.

16. Apple denies the allegations of paragraph 16 of the Amended Complaint.

17. Apple denies the allegations of paragraph 17 of the Amended Complaint.

18. Apple admits that a copy of a document appearing on its face to be U.S. Patent 7,092,671 was served on it with the original Complaint in this action. Apple denies the remaining allegations of paragraph 18 of the Amended Complaint.

19. To the extent that paragraph 19 of the Complaint contains any factual allegations, Apple denies them. Apple denies that Uniloc has, or can “reserve,” a “right to discover and

pursue” allegations relating to devices or software that are not accused of infringement in the Amended Complaint.

20. Apple denies the allegations of paragraph 20 of the Amended Complaint.

### **DEFENSES**

Apple alleges the following defenses to the claims set forth in Uniloc’s Amended Complaint. Apple undertakes the burden of proof only with respect to those defenses where that burden rests with Apple by law.

#### **First Defense – Invalidity**

1. The claims of the ‘671 Patent are invalid under one or more of 35 U.S.C. §§ 102, 103, and/or 112.

#### **Second Defense – Non-Infringement**

2. Apple has not infringed, whether directly or indirectly, through contributory infringement or inducement, any claim of the ‘671 Patent, literally or under the doctrine of equivalents.

#### **Third Defense – Failure to State a Claim**

3. Uniloc’s Complaint fails to state a claim upon which relief could be granted.

#### **Fourth Defense – Prosecution History Estoppel**

4. Uniloc’s claims are barred by the doctrine of prosecution history estoppel based on statements, representations, and admissions made during the prosecution of the patent application resulting in the patent-in-suit before the United States Patent and Trademark Office and/or during the prosecution of related patent applications.

**RESPONSE TO UNILOC'S PRAYER FOR RELIEF**

Apple denies that Uniloc is entitled to any relief whatsoever under the Amended Complaint, including the relief requested in paragraphs A through D of Uniloc's Prayer for Relief.

Date: August 11, 2017

Respectfully submitted,

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