

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MONTEREY RESEARCH, LLC, )  
)  
Plaintiff, )  
)  
v. ) C.A. No. 19-2083-CFC  
)  
QUALCOMM INCORPORATED, ) **JURY TRIAL DEMANDED**  
QUALCOMM TECHNOLOGIES, )  
INC., and QUALCOMM CDMA )  
TECHNOLOGIES ASIA-PACIFIC )  
PTE LTD., )  
)  
Defendants. )

**QUALCOMM INCORPORATED, QUALCOMM TECHNOLOGIES, INC.  
AND QUALCOMM CDMA TECHNOLOGIES ASIA-PACIFIC PTE  
LTD.’S ANSWER, COUNTERCLAIMS AND DEFENSES  
TO THE FIRST AMENDED COMPLAINT**

Defendants Qualcomm Incorporated, Qualcomm Technologies, Inc., and Qualcomm CDMA Technologies Asia-Pacific Pte Ltd. (collectively, “Qualcomm”) answer the February 14, 2020 First Amended Complaint of Plaintiff Monterey Research, LLC (“Monterey”) by and through undersigned counsel. Qualcomm further asserts its defenses and counterclaims.

Qualcomm denies that it has infringed any valid and enforceable patent rights at issue in this action. Qualcomm further denies that any patent claims asserted against Qualcomm in this action are valid or enforceable. Qualcomm

further denies any liability to Plaintiff, or that Plaintiff has suffered any legally cognizable damage for which Qualcomm is responsible. The responses below reflect the current status of Qualcomm's knowledge and belief regarding the subject matter of the allegations to which they respond. Qualcomm reserves the right to supplement, modify, and/or amend its responses, defenses, and counterclaims based on any additional facts or developments that become available or that arise after the filing of this Answer.

Except as expressly admitted below, Qualcomm denies each and every allegation averred in the First Amended Complaint, including without limitation the headings, sub-headings, and diagrams contained in the First Amended Complaint. Any factual allegation admitted below is admitted as to only the specific admitted facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. Qualcomm responds to the numbered paragraphs of the First Amended Complaint as follows. The paragraph numbering in these responses corresponds to the numbered paragraphs in the First Amended Complaint.

Subject to the foregoing, Qualcomm states as follows:

### **INTRODUCTION**

1. Qualcomm is currently without knowledge or information sufficient to form a belief as to the truth of the allegations and characterization in Paragraph

1 of the First Amended Complaint, and therefore denies them.

2. Qualcomm denies the allegations and characterizations contained in Paragraph 2 of the First Amended Complaint.

### **NATURE OF THE CASE**

3. Qualcomm admits that Plaintiff has filed a civil action against Qualcomm purporting to assert claims for infringement of U.S. Patent Nos. 6,459,625 (“the ’625 patent”); 6,534,805 (“the ’805 patent”); 6,642,573 (“the ’573 patent”); 6,651,134 (“the ’134 patent”); 6,680,516 (“the ’516 patent”); 6,765,407 (“the ’407 patent”); 7,572,727 (“the ’727 patent”); and 7,977,797 (“the ’797 patent”) (collectively, “the Patents-in-Suit”). Qualcomm denies that Plaintiff’s claims have merit and expressly denies that it has infringed any valid claim of any patent asserted in the First Amended Complaint.

### **THE PARTIES**

4. Qualcomm is currently without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in Paragraph 4 of the First Amended Complaint, and therefore denies them.

5. Qualcomm admits that Qualcomm Incorporated is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 5775 Morehouse Drive, San Diego, CA 92121. Qualcomm admits that Qualcomm Incorporated is a publicly-traded company and is the parent

corporation of Qualcomm Technologies, Inc. (“QTI”), and admits that Qualcomm CDMA Technologies Asia-Pacific Pte Ltd (“QCTAP”) is a wholly-owned subsidiary of Qualcomm Global Trading Pte Ltd., a corporation organized and existing under the laws of Singapore, which is itself a wholly-owned subsidiary of QTI. Qualcomm denies the remaining allegations and characterizations contained in Paragraph 5 of the First Amended Complaint.

6. Qualcomm admits that QTI is a wholly-owned subsidiary of Qualcomm Incorporated, and further admits that QTI is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 5775 Morehouse Drive, San Diego, CA 92121. Qualcomm denies the remaining allegations and characterizations in Paragraph 6 of the First Amended Complaint.

7. Qualcomm admits that QCTAP is a wholly-owned subsidiary of Qualcomm Global Trading Pte Ltd., a corporation organized and existing under the laws of Singapore, which is itself a wholly-owned subsidiary of QTI, and admits that QCTAP is a corporation organized and existing under the laws of Singapore, having a principal place of business at 6 Serangoon North Avenue 5, #03-04, Singapore 554910, Singapore. Qualcomm denies the remaining allegations and characterizations in Paragraph 7 of the First Amended Complaint.

8. Qualcomm denies the allegations and characterizations contained in

Paragraph 8 of the First Amended Complaint.

### **JURISDICTION AND VENUE**

9. Qualcomm admits that this Court has subject matter jurisdiction over patent infringement actions under 28 U.S.C. §§ 1331 and 1338(a), provided that standing and other requirements are met. Qualcomm denies any remaining allegations and characterizations in Paragraph 9 of the First Amended Complaint.

10. Paragraph 10 alleges legal conclusions to which no response is required. To the extent a response is required, Qualcomm does not contest that this Court has personal jurisdiction over Qualcomm Inc. and QTI. Qualcomm denies the remaining allegations and characterizations in Paragraph 10 of the First Amended Complaint.

11. Paragraph 11 alleges legal conclusions regarding personal jurisdiction to which no response is required. Qualcomm admits that Qualcomm Inc. and QTI are corporation organized and existing under the laws of the State of Delaware. Qualcomm denies the remaining allegations and characterizations in Paragraph 11 of the First Amended Complaint.

12. Paragraph 12 alleges legal conclusions regarding personal jurisdiction to which no response is required. Qualcomm admits that, in a limited number of instances, QCTAP has billed U.S. entities for Qualcomm products. Qualcomm denies the remaining allegations and characterizations in Paragraph 12 of the First

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