

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

STRATOSAUDIO, INC.,

Plaintiff,

v.

HYUNDAI MOTOR AMERICA,

Defendant.

Case No. 6:20-CV-01125-ADA

JURY TRIAL DEMANDED

**HYUNDAI MOTOR AMERICA'S ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Hyundai Motor America ("HMA"), by and through the undersigned attorneys, for their Answer and Affirmative Defenses to the Complaint for Patent Infringement filed on December 11, 2020 by Plaintiff StratosAudio, Inc. ("Plaintiff" or "StratosAudio"), admit and deny as follows. Except as hereinafter specifically admitted, qualified, or affirmatively alleged, HMA denies each and every allegation, matter, or thing contained in the Complaint and states in response to each of the numbered paragraphs of said Complaint as follows:

INTRODUCTION

1. HMA denies each and every allegation set forth in Paragraph 1, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

PARTIES

2. HMA is without information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and on that basis denies them.

3. HMA is without information sufficient to form a belief as to the truth of the allegations of Paragraph 3, and on that basis denies them.

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4. HMA is without information sufficient to form a belief as to the truth of the allegations of Paragraph 4, and on that basis denies them.

5. HMA is without information sufficient to form a belief as to the truth of the allegations of Paragraph 5, and on that basis denies them.

6. HMA is without information sufficient to form a belief as to the truth of the allegations of Paragraph 6, and on that basis denies them.

7. HMA admits that HMA is a California corporation with a principal place of business in Fountain Valley, California. HMA admits that it is registered to do business in the State of Texas and has been since May 13, 1986. Except as admitted, HMA denies each and every remaining allegation in Paragraph 7.

JURISDICTION AND VENUE

8. HMA admits, for purposes of this action only, that this Court has subject matter jurisdiction over Plaintiff's claims made pursuant to 28 U.S.C. §§ 1331 and 1338(a). Except as admitted, HMA denies each and every remaining allegation in Paragraph 8, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

9. HMA admits, for purposes of this action only, that this Court has specific personal jurisdiction over HMA. Except as admitted, HMA denies each and every remaining allegation in Paragraph 9, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

10. HMA denies each and every allegation set forth in Paragraph 10.

11. HMA admits that it has contractual franchise agreements with independent, separately owned dealerships in this judicial district that authorize the use and display of HMA trademarks, trade name, and other intellectual property associated with the distribution and sale

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HMA denies StratosAudio

of automobiles and provision of related services. Except as admitted, HMA denies each and every remaining allegation in Paragraph 11.

12. HMA admits that its website allows users to enter their zip code and in response displays to a website user vehicles available in the inventory of franchised dealerships in that zip code area or nearest to that zip code area, and the website also identifies franchised dealerships in or nearest to that zip code area. Except as admitted, HMA denies each and every remaining allegation set forth in Paragraph 12.

13. HMA admits that new vehicles bearing the Hyundai trademark that are sold at HMA's franchised dealerships in this district come with a warranty, and that retail purchasers can receive warranty and vehicle safety recall service from franchised dealerships in this judicial district. HMA admits that it informs some retail purchasers of new vehicles bearing the Hyundai trademark of vehicle safety recalls and directs those purchasers to franchised dealerships for a warranty repair. Except as admitted, HMA denies each and every remaining allegation in Paragraph 13.

14. HMA admits that it operates a "Certified Pre-Owned Hyundai vehicles" program that establishes criteria for certification of vehicles. Except as admitted, HMA denies each and every remaining allegation of Paragraph 14.

COUNT I
ALLEGED INFRINGEMENT OF THE '081 PATENT

15. HMA incorporates by reference its responses to Plaintiff's allegations in Paragraphs 1 through 14 as if specifically set forth herein. Except as expressly admitted, HMA denies each and every allegation set forth in Paragraph 15.

16. HMA admits that a document purporting to be U.S. Patent No. 8,166,081 (the "'081 Patent") is attached to the Complaint as Exhibit 1, and that Exhibit 1 bears the title of

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“System and Method for Advertisement Transmission and Display,” and states that it issued on April 24, 2012. HMA is without information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 16, and on that basis denies them.

17. HMA denies each and every allegation set forth in Paragraph 17, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

18. HMA denies each and every allegation set forth in Paragraph 18, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

19. HMA denies each and every allegation set forth in Paragraph 19, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

20. HMA denies each and every allegation set forth in Paragraph 20, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

21. HMA admits that Appendix A to the Complaint alleges infringement by various vehicles of a claim of the '081 Patent. Except as admitted, HMA denies each and every allegation set forth in Paragraph 21, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

22. HMA denies each and every allegation set forth in Paragraph 22, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

23. HMA denies each and every allegation set forth in Paragraph 23, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

24. HMA denies each and every allegation set forth in Paragraph 24, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

COUNT II
ALLEGED INFRINGEMENT OF THE '028 PATENT

25. HMA incorporates by reference its responses to Plaintiff's allegations in Paragraphs 1 through 24 as if specifically set forth herein. Except as expressly admitted, HMA denies each and every allegation set forth in Paragraph 25.

26. HMA admits that a document purporting to be U.S. Patent No. 8,688,028 (the "'028 Patent") is attached to the Complaint as Exhibit 2, and that Exhibit 2 bears the title of "Broadcast Response System," and states that it issued on April 1, 2014. HMA is without information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 26, and on that basis denies them.

27. HMA denies each and every allegation set forth in Paragraph 27, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

28. HMA denies each and every allegation set forth in Paragraph 28, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

29. HMA denies each and every allegation set forth in Paragraph 29, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

30. HMA denies each and every allegation set forth in Paragraph 30, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

31. HMA admits that Appendix B to the Complaint alleges infringement by various vehicles of a claim of the '028 Patent. Except as admitted, HMA denies each and every allegation set forth in Paragraph 31, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

32. HMA denies each and every allegation set forth in Paragraph 32, and specifically denies that it has committed or is committing any act of patent infringement of any kind.

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HMA denies StratosAudio

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