

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

FASTVDO LLC,

Plaintiffs,

v.

ZTE CORPORATION et al.,

Defendants.

Case No. 2:15-cv-926-RWS-RSP
LEAD CASE

ANSWER TO ZTE (USA) INC.'S COUNTERCLAIMS

Plaintiff FastVDO LLC (“FastVDO”) responds to Defendant ZTE (USA) Inc.’s (“Defendant” or “ZTE”) Counterclaims as follows:

NATURE OF ACTION

1. FastVDO admits that Defendant requests a declaration of non-infringement and invalidity, but denies that Defendant is entitled to such relief.

PARTIES

2. Admitted, on information and belief.
3. Admitted.

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.
6. Admitted.

**COUNTERCLAIM I
(DECLARATION OF NON-INFRINGEMENT)**

7. FastVDO incorporates by reference its responses to paragraphs 1-6 as if fully set forth herein.
8. Admitted.

9. Admitted that an actual controversy exists between ZTE and FastVDO, but denied that ZTE does not infringe the '482 patent.

10. Denied.

11. Denied.

12. Denied.

**COUNTERCLAIM II
(DECLARATION OF INVALIDITY)**

13. FastVDO incorporates by reference its responses to paragraphs 1-12 above as if fully set forth herein.

14. Denied.

15. Denied.

16. Denied.

DEMAND FOR JURY TRIAL

17. This paragraph does not require a response.

PRAYER FOR RELIEF

In response to ZTE's Prayer for Relief, FastVDO denies that ZTE is entitled to any relief, and in particular to any of the relief requested in paragraphs (a)-(e) of ZTE's Prayer for Relief, and further requests that the Court enter such preliminary and final orders and judgments as are necessary to provide FastVDO with the following requested relief:

- A. A Judgment in favor of FastVDO on ZTE's Counterclaims that the '482 Patent is not invalid, and that ZTE infringes the '482 patent;
- B. An Order dismissing ZTE's Counterclaims in their entirety with prejudice;
- C. A judgment in favor of FastVDO that ZTE has infringed, either literally and/or under the doctrine of equivalents, the '482 patent;

- D. A permanent injunction prohibiting ZTE from further acts of infringement of the '482 patent;
- E. A judgment and order requiring ZTE to pay FastVDO its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the '482 patent, as provided under 35 U.S.C. § 284;
- F. A judgment and order requiring ZTE to provide an accounting and to pay supplemental damages to FastVDO, including without limitation, prejudgment and post-judgment interest;
- G. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to FastVDO its reasonable attorneys' fees against ZTE; and
- H. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

FastVDO demand a trial by jury on all issues so triable.

Dated: September 17, 2015

By: /s/ Charles Ainsworth

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or first class mail on this date.

/s/ Charles Ainsworth
Charles Ainsworth