

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

BLITZSAFE TEXAS, LLC,	§	
	§	
Plaintiff,	§	Case No. 2: 15-cv-01274-JRG-RSP
v.	§	LEAD CASE
	§	
HONDA MOTOR CO, LTD. ET AL.,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	

HYUNDAI MOTOR AMERICA, HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC, KIA MOTORS AMERICA, INC., AND KIA MOTORS MANUFACTURING GEORGIA, INC.’S FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS TO PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Defendants Hyundai Motor America (“HMA”), Hyundai Motor Manufacturing Alabama, LLC (“HMMA”), Kia Motors America, Inc. (“KMA”), and Kia Motors Manufacturing Georgia, Inc. (“KMMG”) (collectively, “Hyundai and Kia”), by and through the undersigned counsel, respond to Plaintiff Blitzsafe Texas, LLC’s (“Blitzsafe” or “Plaintiff”) Original Complaint for Patent Infringement (“Complaint”) as follows, denying Plaintiff’s allegations and averments except that which is expressly admitted herein:

THE PARTIES¹

1. Hyundai and Kia lack sufficient information or knowledge to admit or deny the allegations in Paragraph 1, and on that basis, denies them.

2. Hyundai and Kia are informed and believe that Hyundai Motor Company (“HMC”) is a Korean company with a place of business at 12, Heolleung-ro, Seocho-gu, Seoul, South Korea 06797.

¹ Hyundai and Kia’s replication of the headings in the Complaint are merely for convenience and are not to be considered an admission of their accuracy.

3. HMA admits that it is a California corporation with a place of business at 10550 Talbert Ave., Fountain Valley, CA 92708. HMA admits it is a wholly-owned subsidiary of HMC.

4. HMMA admits that it is a Delaware limited liability company with its principal place of business at 700 Hyundai Blvd., Montgomery, AL 36105. HMMA admits that it is a wholly-owned subsidiary of HMA.

5. Hyundai and Kia are informed and believe that Kia Motors Corporation (“KMC”) is a Korean company with a place of business at 12, Heolleung-ro, Seocho-gu, Seoul, South Korea 06797. Hyundai and Kia are informed and believe that HMC owns 10% or more of KMC’s stock.

6. KMA admits it is a California corporation with a place of business at 111 Peters Canyon Road, Irvine, CA 92606. KMA admits that it is a wholly-owned subsidiary of KMC.

7. KMMG admits that it is a Delaware corporation with its principal place of business at 7777 Kia Parkway, West Point, GA 31833. KMMG admits that it is a wholly-owned subsidiary of KMA.

JURISDICTION

8. Hyundai and Kia admit that the Complaint purports to assert claims of patent infringement that arise under the patent laws of the United States, but Hyundai and Kia expressly deny that either of them has committed any acts of patent infringement. Hyundai and Kia admit that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) for the purpose of this action only. Hyundai and Kia deny all other express or implied allegations contained in Paragraph 8.

9. Hyundai and Kia admit that each of them has done business in this district. Hyundai and Kia deny all other express or implied allegations contained in Paragraph 9, including that either of them has committed acts of patent infringement and/or induced acts of patent infringement by others in this district and/or contributed to patent infringement by others in this judicial district, the State of Texas or in any other jurisdiction.

10. Paragraph 10 contains a legal conclusion to which no response is required by Hyundai and Kia. Hyundai and Kia admit that each of them has done business in this district but deny all other express or implied allegations in this Paragraph. Hyundai and Kia deny that venue is convenient under 28 U.S.C. § 1404.

PATENTS-IN-SUIT

11. Hyundai and Kia admit that U.S. Patent No. 7,489,786 (the “786 Patent”) entitled “Audio Device Integration System,” bears a date of February 10, 2009 and a copy was attached to the Complaint as Exhibit A. Hyundai and Kia lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 11, and on that basis deny the same.

12. Hyundai and Kia admit that U.S. Patent No. 8,155,342 (the “342 Patent”) entitled “Multimedia Device Integration System,” bears a date of April 10, 2012 and a copy was attached to the Complaint as Exhibit B. Hyundai and Kia lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 12, and on that basis denies the same.

FACTUAL ALLEGATIONS

13. Hyundai and Kia lack sufficient information or knowledge to admit or deny the allegations in Paragraph 13, and on that basis, deny them.

14. HMA and HMMA admit that certain Hyundai vehicles made in or imported into the United States include a feature known as Blue Link. To the extent the allegations of Paragraph 14 are directed to HMC, which has not yet been served with the Complaint, Hyundai and Kia lack specific information sufficient to form a belief as to the truth of the allegations therein as applied to HMC, and therefore deny them. Hyundai and Kia deny all other express or implied allegations contained in Paragraph 14.

15. KMA and KMMG admit certain Kia vehicles made in or imported into the United States include a feature known as UVO. To the extent the allegations of Paragraph 15 are directed to KMC, which has not yet been served with the Complaint, Hyundai and Kia lack specific information sufficient to form a belief as to the truth of the allegations therein as applied to KMC, and therefore deny them. Hyundai and Kia deny all other express or implied allegations contained in Paragraph 15.

16. Hyundai and Kia admit that certain versions of Blue Link and UVO may be used with some third-party devices. Hyundai and Kia deny all other express or implied allegations contained in Paragraph 16.

COUNT I

(Infringement of the '786 Patent by the Hyundai Defendants)

17. HMA and HMMA incorporate their responses to Paragraphs 1 through 16 as if fully set forth herein.

18. HMA and HMMA lack sufficient information or knowledge to admit or deny the allegations in Paragraph 18, and on that basis, deny them.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

COUNT II

(Infringement of the '786 Patent by the Kia Defendants)

25. KMA and KMMG incorporate their responses to Paragraphs 1 through 16 as if fully set forth herein.

26. KMA and KMMG lack sufficient information or knowledge to admit or deny the allegations in Paragraph 26, and on that basis, deny them.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

COUNT III

(Infringement of the '342 Patent by the Hyundai Defendants)

33. HMA and HMMA incorporate their responses to Paragraphs 1 through 16 as if fully set forth herein.

34. HMA and HMMA lack sufficient information or knowledge to admit or deny the allegations in Paragraph 34, and on that basis, deny them.

35. Denied.

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