

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

CYWEE GROUP LTD.,

Plaintiff,

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.

Defendants.

CASE NO. 2:17-cv-00140-RWS-RSP

JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant CyWee Group Ltd. ("CyWee") answers herein Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.'s (collectively "Samsung") counterclaims ("Counterclaims") with numbered paragraphs corresponding to like-numbered paragraphs of the Counterclaims as follows. Unless expressly admitted all averments asserted by Samsung in its Counterclaims are denied.

ANSWER TO COUNTERCLAIMS

300. CyWee admits the allegations in Paragraph 300.

301. CyWee admits the allegations in Paragraph 301.

302. CyWee admits that it has submitted to personal jurisdiction of this Court for purposes of this litigation. CyWee denies any remaining allegations in Paragraph 302.

303. CyWee admits that venue is proper for the Counterclaims and further admits that Samsung purports to reserve the right to move to transfer this case. CyWee denies any remaining allegations in Paragraph 302.

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '438 Patent)

304. Paragraph 304 restates and incorporates by reference the allegations contained in Paragraphs 300-303 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

305. CyWee admits the allegations of Paragraph 305.

306. CyWee denies the allegations of Paragraph 306.

307. CyWee admits the allegations of Paragraph 307.

308. CyWee admits that Samsung seeks entry of a declaratory judgment that it does not infringe any claim of the '438 Patent, but denies that Samsung is entitled to judgment in its favor.

SECOND COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '978 Patent)

309. Paragraph 309 restates and incorporates by reference the allegations contained in Paragraphs 300-303 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

310. CyWee admits the allegations of Paragraph 310.

311. CyWee denies the allegations of Paragraph 311.

312. CyWee admits the allegations of Paragraph 312.

313. CyWee admits that Samsung seeks entry of a declaratory judgment that it does not infringe any claim of the '978 Patent, but denies that Samsung is entitled to judgment in its favor.

THIRD COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '438 Patent)

314. Paragraph 314 restates and incorporates by reference the allegations contained in Paragraphs 300-303 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

315. CyWee denies the allegations of Paragraph 315.

316. CyWee admits the allegations of Paragraph 316.

317. CyWee admits that Samsung seeks entry of a declaratory judgment that the claims of the '438 Patent are invalid and/or enforceable but denies that Samsung is entitled to judgment in its favor.

FOURTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '978 Patent)

318. Paragraph 318 restates and incorporates by reference the allegations contained in Paragraphs 300-303 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

319. CyWee denies the allegations of Paragraph 319.

320. CyWee admits the allegations of Paragraph 320.

321. CyWee admits that Samsung seeks entry of a declaratory judgment that the claims of the '978 Patent are invalid and/or enforceable but denies that Samsung is entitled to judgment in its favor.

OMNIVISION'S PRAYER FOR RELIEF

CyWee denies that Samsung is entitled to judgment in its favor or to any of the relief it requested. CyWee further denies each and every allegation of the Counterclaims to which CyWee has not specifically admitted, denied, or otherwise responded herein.

Dated: June 13, 2017

/s/ Ari B. Rafilson

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned 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) on June 13, 2017.

/s/ Ari B. Rafilson

Ari B. Rafilson