

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

AGIS SOFTWARE DEVELOPMENT, LLC

Plaintiff,

v.

HUAWEI DEVICE USA INC., HUAWEI
DEVICE CO., LTD. AND HUAWEI DEVICE
(DONGGUAN) CO., LTD.

Defendants.

CIVIL ACTION NO. 2:17-cv-513-JRG

JURY TRIAL DEMANDED

**DEFENDANTS HUAWEI DEVICE USA INC., HUAWEI DEVICE CO., LTD.,
AND HUAWEI DEVICE (DONGGUAN) CO., LTD'S ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Huawei Device USA Inc. ("Huawei Device USA"), Huawei Device Co., Ltd. ("Huawei Device"), and Huawei Device (Dongguan) Co., Ltd. ("Huawei Device Dongguan") (collectively, "Defendants" or "Huawei") answer the First Amended Complaint for Patent Infringement ("Complaint") of Plaintiff AGIS Software Development, LLC ("AGIS") as follows:

THE PARTIES

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint and therefore deny them.
2. Defendants admit that Huawei Device is a Chinese corporation with its principal place of business in Bantian, Longgang District, Shenzhen, 518129 China and that Huawei Technologies Co., Ltd. is a parent company to Huawei Device. Defendants deny the remaining allegations in paragraph 2 of the Complaint, and specifically denies that they have committed any acts of infringement.

3. Defendants admit that Huawei Device USA is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024 and has listed, on the Texas Comptroller of Public Accounts website, C T Corporation System as its registered agent with a registered office address at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Defendants further admit that Huawei Device USA is a wholly owned subsidiary of Huawei Device (Hong Kong) Co., Ltd., which is a wholly owned subsidiary of Huawei Device Co., Ltd.; Huawei Technologies Co., Ltd. is a parent company to Huawei Device Co., Ltd. Defendants deny the remaining allegations in paragraph 3 of the Complaint.

4. Defendants admit that Huawei Device (Dongguan) is a Chinese corporation with its principal place of business in Songshan Lake Science and Technology Industrial Zone, Dongguan, Guangdong, China, 523808 and is a wholly-owned subsidiary of Huawei Device Co., Ltd.; Huawei Technologies Co., Ltd. is a parent company to Huawei Device Co., Ltd. Defendants deny the remaining allegations in paragraph 4 of the Complaint, and specifically deny that they have committed any acts of infringement.

JURISDICTION AND VENUE

5. The allegations in paragraph 5 of the Complaint are legal conclusions to which no answer is required. To the extent any answer is required, Defendants admit that this action involves the United States patent laws, and that this Court has subject matter jurisdiction over patent law claims. Defendants deny any remaining allegations in paragraph 5 of the Complaint.

6. The allegations in paragraph 6 are legal conclusions to which no answer is required. To the extent that any answer is required, Defendants admit that Huawei Device USA is incorporated and has a principal place of business in Texas. Defendants, however, deny that they have committed any acts of infringement in this judicial district or in any other district.

Defendants deny any remaining factual allegations in paragraph 6 of the Complaint and deny that there is personal jurisdiction over Huawei Device or Huawei Device Dongguan in this District.

7. The allegations in paragraph 7 are legal conclusions to which no answer is required. To the extent that any answer is required, Defendants admit that Huawei Device USA is incorporated and has a principal place of business in Texas and that venue for this case is governed by 28 U.S.C. § 1400(b). Defendants deny that they have committed any acts of infringement in this judicial district or in any other district. Defendants further deny that venue is proper in this District for Huawei Device and Huawei Device (Dongguan). Defendants also deny that venue is convenient in the Eastern District of Texas for the issues raised in this case. Defendants deny any remaining factual allegations in paragraph 7 of the Complaint.

PATENTS-IN-SUIT

8. Defendants admit that U.S. Patent No. 8,213,970 (“’970 patent”) is entitled, “Method of Utilizing Forced Alerts for Interactive Remote Communications” and, on its face, indicates an issue date of July 3, 2012. Defendants admit that Exhibit A to the Complaint is alleged to be a copy of the ’970 patent. Defendants deny the remaining allegations in paragraph 8 of the Complaint.

9. Defendants admit that U.S. Patent No. 9,408,055 (“’055 patent”) is entitled, “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks” and, on its face, indicates an issue date of August, 2, 2016. Defendants admit that Exhibit B to the Complaint is alleged to be a copy of the ’055 patent. Defendants deny the remaining allegations in paragraph 9 of the Complaint.

10. Defendants admit that U.S. Patent No. 9,445,251 (“’251 patent”) is entitled, “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks” and, on its

face, indicates an issue date of September 13, 2016. Defendants admit that Exhibit C to the Complaint is alleged to be a copy of the '251 patent. Defendants deny the remaining allegations in paragraph 10 of the Complaint.

11. Defendants admit that U.S. Patent No. 9,467,838 (“’838 patent”) is entitled, “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks” and, on its face, indicates an issue date of October 11, 2016. Defendants admit that Exhibit D to the Complaint is alleged to be a copy of the ’838 patent. Defendants deny the remaining allegations in paragraph 11 of the Complaint.

FACTUAL ALLEGATIONS

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint, and therefore deny them.

13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint and therefore deny them.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint and therefore deny them.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Complaint and therefore deny them.

16. Defendants admit that various parties design products using the Android operating system from non-party Google LLC, but deny that each Defendant designs their own products utilizing the Android operating system. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 16 of the Complaint and therefore deny them.

17. Defendants admit that Huawei Device and Huawei Device Dongguan design and manufacture, and Huawei Device USA sold and/or offered for sale in the United States, Android-based devices, including those named “Huawei Union,” “Huawei Mate 9,” “Huawei Nexus 6P,” “Huawei GX8” and “Huawei P8 lite” (collectively, “Accused Devices”). Defendants admit that Google Mobile Applications that are available for phones that run the Android operating system include Google Maps, Find My Device, Hangouts, and Google+. Defendants understand that the factual allegations directed to the functionality of the Accused Devices rely upon language found in the asserted patents and/or effectively amount to an allegation of infringement, and, on that basis, Defendants deny them, and specifically deny that they have committed any acts of infringement. Defendants further deny that the Accused Products have supported the Google Latitude application, which, on information and belief, was discontinued prior to the release of the Accused Products. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining factual allegations in paragraph 17 of the Complaint and on that basis deny them.

COUNT I

(Infringement of the '970 Patent)

18. In response to paragraph 18 of the Complaint, Defendants incorporate by reference its responses to the preceding paragraphs as if fully set forth herein.

19. Defendants admit that they have not directly entered into a license with Plaintiff concerning the '970 patent. Defendants deny the remaining allegations in paragraph 19 of the Complaint, and specifically deny that they have committed any acts of infringement.

20. Defendants deny the allegations in paragraph 20 of the Complaint, and specifically deny that they have committed any acts of infringement.

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