

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

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

CASE NO. 2:17-CV-0514-JRG

JURY TRIAL DEMANDED

**HTC CORPORATION'S
ANSWER, DEFENSES, AND COUNTERCLAIMS TO AGIS SOFTWARE
DEVELOPMENT, LLC'S COMPLAINT FOR PATENT INFRINGEMENT**

Defendant HTC Corporation ("Defendant" or "HTC"), by and through its undersigned counsel, hereby responds to AGIS Software Development, LLC's ("Plaintiff" or "AGIS") Complaint for Patent Infringement ("Complaint") of U.S. Patent Nos. 8,213,970 (the "'970 patent"), 9,408,055 (the "'055 patent"), 9,445,251 (the "'251 patent"), and 9,467,838 (the "'838 patent") (collectively, the "asserted patents"). Except as expressly admitted herein, HTC denies all allegations of the Complaint.

THE PARTIES

1. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies them.
2. HTC admits that it is a Taiwanese corporation. HTC denies the remaining allegations of Paragraph 2.

JURISDICTION AND VENUE

3. HTC admits that the Complaint purports to bring an action for infringement under 35 U.S.C. §§ 1 *et seq.*, but HTC denies that it infringes any valid patent claim of the asserted patents. HTC admits that this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and

1338(a). HTC denies that AGIS has presented allegations sufficient to invest this Court with jurisdiction under 28 U.S.C. § 1367.

4. HTC denies that this Court has personal jurisdiction over HTC. HTC denies that it conducts business in this district, the State of Texas, or the United States. HTC denies that it has committed acts of patent infringement in this district, the State of Texas, or the United States. HTC denies that it has induced acts of patent infringement by others in this district, the State of Texas, or the United States. HTC denies that it has contributed to acts of patent infringement by others in this district, the State of Texas, or the United States.

5. HTC denies that venue is proper in this district. HTC denies that it has a regular and established place of business in this district. HTC denies that it is deemed to reside in this district. HTC denies that it has committed acts of infringement in this district. HTC denies that it has purposely transacted business involving the accused products in this district. HTC denies that this district is a convenient forum for this case.

PATENTS-IN-SUIT

6. HTC admits that the '970 patent states on its face that it has an issue date of July 3, 2012. HTC admits that the '970 patent is titled "Method of Utilizing Forced Alerts for Interactive Remote Communications." HTC denies the remaining allegations of Paragraph 6.

7. HTC admits that the '055 patent states on its face that it has an issue date of August 2, 2016. HTC admits that the '055 patent is titled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks." HTC denies the remaining allegations of Paragraph 7.

8. HTC admits that the '251 patent states on its face that it has an issue date of September 13, 2016. HTC admits that the '251 patent is titled "Method to Provide Ad Hoc and

Password Protected Digital and Voice Networks.” HTC denies the remaining allegations of Paragraph 8.

9. HTC admits that the ’838 patent states on its face that it has an issue date of October 11, 2016. HTC admits that the ’838 patent is titled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” HTC denies the remaining allegations of Paragraph 9.

FACTUAL ALLEGATIONS

10. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10, and therefore denies them.

11. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11, and therefore denies them.

12. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12, and therefore denies them.

13. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13, and therefore denies them.

14. HTC admits that it manufactures products that use the Android operating system. HTC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14, and therefore denies them.

15. HTC denies that it manufactures any Android-based smartphone or tablets (“accused devices”) in the United States. HTC denies that it uses any accused devices in the United States. HTC denies that it sells any accused devices in the United States. HTC denies that it offers for sale any accused devices in the United States. HTC denies that it imports any accused devices into the United States. HTC denies the remaining allegations of Paragraph 15.

COUNT 1
(Infringement of the '970 Patent)

16. HTC incorporates its answers to Paragraphs 1 through 15 as if fully set forth in their entireties.

17. HTC admits it has not entered into a license with AGIS for the '970 patent, but lacks knowledge or information sufficient to form a belief as to the truth of whether it is licensed or authorized through third-parties who have agreements with AGIS. HTC denies that it makes, uses, sells, offers for sale, or imports the accused devices in/into the United States. HTC denies that it makes, uses, sells, offers for sale, or imports any accused devices that “embody the inventions” of the '970 patent. HTC denies any remaining allegations of Paragraph 17.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

COUNT II
(Infringement of the '055 Patent)

25. HTC incorporates its answers to Paragraphs 1 through 15 as if fully set forth in their entireties.

26. HTC admits it has not entered into a license with AGIS for the '055 patent, but lacks knowledge or information sufficient to form a belief as to the truth of whether it is licensed or authorized through third-parties who have agreements with AGIS. HTC denies that it makes, uses, sells, offers for sale, or imports the accused devices in/into the United States. HTC denies

that it makes, uses, sells, offers for sale, or imports any accused devices that “embody the inventions” of the ’055 patent. HTC denies any remaining allegations of Paragraph 26.

27. Denied.

28. Denied.

29. Denied.

30. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30 describing functionality of third-party software, and therefore denies them. HTC denies any remaining allegations of Paragraph 30.

31. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 31 describing functionality of third-party software, and therefore denies them. HTC denies any remaining allegations of Paragraph 31.

32. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 32 describing functionality of third-party software, and therefore denies them. HTC denies any remaining allegations of Paragraph 32.

33. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33 describing functionality of third-party software, and therefore denies them. HTC denies any remaining allegations of Paragraph 33.

34. HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 34 describing functionality of third-party software, and therefore denies them. HTC denies any remaining allegations of Paragraph 34.

35. Denied.

36. Denied.

37. Denied.

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