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

AGIS SOFTWARE DEVELOPMENT LLC,	§ § § § §	**Case No. 2:17-cv-00514-JRG (LEAD CASE)**
Plaintiff,	§ §	**JURY TRIAL DEMANDED**
v.	§ §	
HTC CORPORATION,	§ § §	
Defendant.	§	

**PLAINTIFF/COUNTERCLAIM-DEFENDANT
AGIS SOFTWARE DEVELOPMENT LLC
ANSWER TO DECLARATORY JUDGMENT COUNTERCLAIMS
OF DEFENDANT/COUNTERCLAIM-PLAINTIFF HTC CORPORATION**

Plaintiff/Counterclaim-Defendant AGIS Software Development LLC ("AGIS"), as and for its Answer to the Declaratory Judgment Counterclaims of Defendant/Counterclaim-Plaintiff HTC Corporation ("Counterclaimant" or "HTC"), states as follows:

ANSWER TO COUNTERCLAIMS

AGIS denies all allegations contained in headings preceding individually numbered paragraphs of Counterclaimant's Counterclaims. AGIS denies all allegations to the extent not expressly admitted. AGIS hereby responds to the individually numbered paragraphs of Counterclaimant's Counterclaims as follows:

THE PARTIES

1.   AGIS admits that HTC states that HTC is a Taiwanese corporation with a principal place of business at No. 88 Section 3, Zhongxing Road, Xindian District, New Taipei City 231, Taiwan, R.O.C.

2.   AGIS admits that it is a limited liability company organized and existing under the laws of the State of Texas, having a principal place of business in Marshall, Texas.

JURISDICTION AND VENUE

3.   AGIS admits that HTC's counterclaims purport to seek declaratory judgment of patent non-infringement and patent invalidity 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") under the Patent Laws of the United States, 35 U.S.C. §§ 101 *et seq.* AGIS denies the remaining allegations of this paragraph.

4.   AGIS admits that HTC's Counterclaims purport arise under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202, and the Patent Laws of the United States, 35 U.S.C. §§ 101 et seq. AGIS denies the remaining allegations of this paragraph.

5.   AGIS admits that this Court has personal jurisdiction over AGIS and that venue is currently proper in this District, otherwise denied.

FACTS

6.   AGIS admits that by its Complaint, AGIS purports to assert a claim against HTC for infringement of the asserted patents.

7.   AGIS admits that HTC purports to deny AGIS's allegations of infringement of the asserted patents. AGIS admits that HTC also purports to contend that each claim of the asserted patents is invalid.

8.   AGIS admits that an actual controversy has arisen and currently exists between HTC and AGIS as to the infringement and validity of the asserted patents, otherwise denied.

COUNTERCLAIM 1
(Non-Infringement of the '970 patent)

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9.   AGIS repeats and realleges its responses in paragraphs 1 through 8 above as if fully set forth at length herein.

10.   AGIS admits that it is the owner of the '970 patent.

11.   AGIS admits it has accused HTC of directly and indirectly infringing the '970 patent.

12.   AGIS denies the allegations contained in paragraph 12 of the Counterclaims.

13.   AGIS denies the allegations contained in paragraph 13 of the Counterclaims.

14.   AGIS denies the allegations contained in paragraph 14 of the Counterclaims.

COUNTERCLAIM 2
(Invalidity of the '970 patent)

15.   AGIS repeats and realleges its responses in paragraphs 1 through 14 above as if fully set forth at length herein.

16.   AGIS admits that it is the owner of the '970 patent.

17.   AGIS admits that it has accused HTC of directly and indirectly infringing the '970 patent and that the claims of the '970 patent are valid, otherwise denied.

18.   AGIS denies the allegations contained in paragraph 18 of the Counterclaims.

19.   AGIS denies the allegations contained in paragraph 19 of the Counterclaims.

COUNTERCLAIM 3
(Non-Infringement of the '055 patent)

20.   AGIS repeats and realleges its responses in paragraphs 1 through 19 above as if fully set forth at length herein.

21.   AGIS admits that it is the owner of the '055 patent.

22.   AGIS admits it has accused HTC of directly and indirectly infringing the '055 patent.

23.   AGIS denies the allegations contained in paragraph 23 of the Counterclaims.

24.   AGIS denies the allegations contained in paragraph 24 of the Counterclaims.

25.   AGIS denies the allegations contained in paragraph 25 of the Counterclaims.

COUNTERCLAIM 4
(Invalidity of the '055 patent)

26.   AGIS repeats and realleges its responses in paragraphs 1 through 25 above as if fully set forth at length herein.

27.   AGIS admits that it is the owner of the '055 patent.

28.   AGIS admits that it has accused HTC of directly and indirectly infringing the '055 patent and that the claims of the '055 patent are valid, otherwise denied.

29.   AGIS denies the allegations contained in paragraph 29 of the Counterclaims.

30.   AGIS denies the allegations contained in paragraph 30 of the Counterclaims.

COUNTERCLAIM 5
(Non-Infringement of the '251 patent)

31.   AGIS repeats and realleges its responses in paragraphs 1 through 30 above as if fully set forth at length herein.

32.   AGIS admits that it is the owner of the '251 patent.

33.   AGIS admits has accused HTC of directly and indirectly infringing the '251 patent.

34.   AGIS denies the allegations contained in paragraph 34 of the Counterclaims.

35.   AGIS denies the allegations contained in paragraph 35 of the Counterclaims.

36.   AGIS denies the allegations contained in paragraph 36 of the Counterclaims.

COUNTERCLAIM 6
(Invalidity of the '251 patent)

37.   AGIS repeats and realleges its responses in paragraphs 1 through 36 above as if fully set forth at length herein.

38.   AGIS admits that it is the owner of the '251 patent.

39.   AGIS admits that it has accused HTC of directly and indirectly infringing the '251 patent and that the claims of the '251 patent are valid, otherwise denied.

40.   AGIS denies the allegations contained in paragraph 40 of the Counterclaims.

41.   AGIS denies the allegations contained in paragraph 41 of the Counterclaims.

COUNTERCLAIM 7
(Non-Infringement of the '838 patent)

42.   AGIS repeats and realleges its responses in paragraphs 1 through 41 above as if fully set forth at length herein.

43.   AGIS admits that it is the owner of the '838 patent.

44.   AGIS admits has accused HTC of directly and indirectly infringing the '838 patent.

45.   AGIS denies the allegations contained in paragraph 45 of the Counterclaims.

46.   AGIS denies the allegations contained in paragraph 46 of the Counterclaims.

47.   AGIS denies the allegations contained in paragraph 47 of the Counterclaims.

COUNTERCLAIM 8
(Invalidity of the '838 patent)

48.   AGIS repeats and realleges its responses in paragraphs 1 through 47 above as if fully set forth at length herein.

49.   AGIS admits that it is the owner of the '838 patent.

50.   AGIS admits that it has accused HTC of directly and indirectly infringing the '838 patent and that the claims of the '838 patent are valid, otherwise denied.

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