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

JAWBONE INNOVATIONS, LLC, *Plaintiff,* v. SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC., *Defendants*.	CASE NO. 2:21-cv-00186-JRG JURY TRIAL DEMANDED

DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S FIRST AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS TO JAWBONE INNOVATIONS, LLC'S FIRST AMENDED COMPLAINT

Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung"), through their counsel, hereby respond to the First Amended Complaint for Patent Infringement ("FAC") of Plaintiff Jawbone Innovations, LLC ("Jawbone" or "Plaintiff"). Samsung denies the allegations and characterizations in the FAC unless expressly admitted in the following paragraphs. Samsung's specific responses to the numbered allegations of the FAC are in the below numbered paragraphs.

THE PARTIES

1. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the FAC and therefore denies them.

2. Samsung admits that SEC is a corporation organized and existing under the laws of the Republic of Korea with its headquarters at 129 Samsung-Ro, Yeongtong-Gu, Suwon,

Gyeonggi-Do, Korea. Except as expressly admitted, Samsung denies the allegations in paragraph 2 of the FAC.

3. Samsung admits SEA is a New York corporation with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that the website https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/ states that SEA "will be relocating their North Texas-based teams from their Richardson and Plano facilities to Legacy Central in Plano" and that "Occupancy will begin in the first quarter of 2019." Samsung admits that SEA may be served with process through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. Except as expressly admitted, Samsung denies the allegations in paragraph 3 of the FAC.

4. Samsung admits that certain Samsung products are sold at Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; AT&T Store, 1712 East Grand Avenue, Marshall, Texas 75670; Sprint Store, 1806 East End Boulevard North, Suite 100, Marshall, Texas 75670; T-Mobile, 900 East End Boulevard North, Suite 100, Marshall, Texas 75670; Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra, 1006 East End Boulevard, Marshall, Texas 75670; and Cricket Wireless retailer, 120 East End Boulevard South, Marshall, Texas 75670. Except as expressly admitted, Samsung denies the allegations in paragraph 4 of the FAC.

JURISDICTION AND VENUE

5. Samsung admits that this is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* Samsung admits that this Court has subject matter jurisdiction over the allegations as pleaded under 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367. Except as expressly admitted, Samsung denies the allegations in paragraph 5 of the FAC.

6. Samsung admits, for the purposes of this action only, that this Court may exercise personal jurisdiction over SEC and SEA. Except as expressly admitted, Samsung denies the allegations in paragraph 6 of the FAC.

7. Samsung admits, for the purposes of this action only, that venue is proper for SEC and SEA. Samsung denies that this venue is convenient or in the interests of justice under 28 U.S.C. § 1404(a). Except as expressly admitted, Samsung denies the allegations in paragraph 7 of the FAC.

FACTUAL BACKGROUND

8. Samsung admits that, according to the face of United States Patent No. 8,019,091 ("'091 Patent"), the '091 Patent issued on September 31, 2011 and is titled "Voice Activity Detector (VAD)-Based Multiple-Microphone Acoustic Noise Suppression." Samsung admits that Exhibit A purports to be a copy of the '091 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 8 of the FAC.

9. Samsung admits that, according to the face of United States Patent No. 8,280,072 ("'072 Patent"), the '072 Patent issued on October 2, 2012 and is titled "Microphone Array with Rear Venting." Samsung admits that Exhibit B purports to be a copy of the '072 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 9 of the FAC.

10. Samsung admits that, according to the face of United States Patent No. 7,246,058 (the "'058 Patent"), the '058 Patent issued on July 17, 2007 and is titled "Detecting Voiced and Unvoiced Speech Using Both Acoustic and Nonacoustic Sensors." Samsung admits that Exhibit C purports to be a copy of the '058 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 10 of the FAC.

11. Samsung admits that, according to the face of United States Patent No. 10,779,080 (the "'080 Patent"), the '080 Patent issued on September 15, 2020 and is titled "Dual

Omnidirectional Microphone Array." Samsung admits that Exhibit D purports to be a copy of the '080 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 11 of the FAC.

12. Samsung admits that, according to the face of United States Patent No. 11,122,357 (the "'357 Patent"), the '357 Patent issued on September 14, 2021 and is titled "Forming Virtual Microphone Arrays Using Dual Omnidirectional Microphone Array (DOMA)." Samsung admits that Exhibit E purports to be a copy of the '357 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 12 of the FAC.

13. Samsung admits that, according to the face of United States Patent No. 8,467,543 (the "'543 Patent"), the '543 Patent issued on June 18, 2013 and is titled "Microphone and Voice Activity Detection (VAD) Configurations For Use with Communications Systems." Samsung admits that Exhibit F purports to be a copy of the '543 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 13 of the FAC.

14. Samsung admits that, according to the face of United States Patent No. 8,503,691 (the "'691 Patent"), the '691 Patent issued on August 6, 2013 and is titled "Virtual Microphone Arrays Using Dual Omnidirectional Microphone Array (DOMA)." Samsung admits that Exhibit G purports to be a copy of the '691 Patent. Except as expressly admitted, Samsung denies the allegations in paragraph 14 of the FAC.

15. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the FAC and, therefore, denies them.

16. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the FAC and, therefore, denies them.

17. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the FAC and, therefore, denies them.

18. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the FAC and, therefore, denies them.

19. Samsung admits that the websites https://www.glpi.com.br/en/apple-google-and-fitbit-touted-to-acquire-jawbone-patents/ and http://patentvue.com/2017/07/11/jawbone-patents-could-be-leveraged-by-a-competitor/ state, "A host of technology companies including Apple, Samsung, Google, LG and Fitbit have been identified as potential buyers of Jawbone's US patents." Samsung admits that the website http://patentvue.com/2017/07/11/jawbone-patents-could-be-leveraged-by-a-competitor/ states, "With respect to potential acquirers, the major wearable device and smartwatch manufacturers, Apple, Google, Samsung, LG, and of course FitBit may be natural candidates." Samsung's investigation is ongoing, and Samsung is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 19 of the FAC and, therefore, denies them.

INFRINGEMENT ALLEGATIONS

20. Samsung admits that, according to the face of '091 Patent, Gregory C. Burnett and Eric F. Breitfeller are the named inventors. Samsung admits that, according to the face of the '058 Patent, Gregory C Burnett is the named inventor. Except as expressly admitted, Samsung denies the allegations in paragraph 20 of the FAC.

21. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the FAC and, therefore, denies them.

22. Samsung admits that the website https://www.samsung.com/us/mobile /audio/galaxy-buds-pro/ states "Voice Detect instantly switches from ANC to Ambient sound." Except as expressly admitted, Samsung denies the allegations in paragraph 22 of the FAC.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.