

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

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., LG
ELECTRONICS U.S.A., INC., AT&T
MOBILITY LLC, VERIZON
COMMUNICATIONS, INC.,
CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS, SPRINT NEXTEL
CORPORATION, SPRINT SOLUTIONS,
INC., SPRINT SPECTRUM L.P., BOOST
MOBILE LLC, T-MOBILE USA, INC., and
T-MOBILE US, INC.

Defendants

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS
INC., SONY MOBILE
COMMUNICATIONS (USA) INC.,
AT&T MOBILITY LLC, VERIZON
COMMUNICATIONS, INC.,
CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,
T-MOBILE USA, INC., and
T-MOBILE US, INC.

Defendants.

CIVIL ACTION NO. 6:14-cv-982-KNM

CONSOLIDATED LEAD CASE

CIVIL ACTION NO. 6:14-cv-983-KNM

JURY TRIAL DEMANDED

**ANSWER AND COUNTERCLAIMS OF DEFENDANT
SONY MOBILE COMMUNICATIONS (USA) INC.**

Defendant Sony Mobile Communications (USA) Inc. (“Sony Mobile”) answers the First Amended Complaint for Patent Infringement (Dkt. No. 29) (“Complaint”) of Plaintiff Cellular Communications Equipment LLC (“CCE”) as follows.

THE PARTIES

1. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

2. Sony Mobile Communications Inc. was dismissed from the instant case on June 24, 2015. (Dkt. No. 88). Sony Mobile admits that Sony Mobile Communications Inc. is a Japanese corporation with a place of business in Tokyo, Japan. Sony Mobile denies the remainder of the allegations set forth in this paragraph.

3. Sony Mobile admits that it is a Delaware corporation with a place of business in San Mateo, California. Sony Mobile admits that it may be served process through its agent, Capitol Services, Inc., 1576 S. State St. Suite B, Dover, Delaware, 19901. For the purpose of this action and without waiving any defense of lack of personal jurisdiction in connection with any other cause of action or claim, Sony Mobile does not contest whether jurisdiction over it properly lies in this district but denies that Sony Mobile has committed any act that would give rise to any cause of action asserted in the Complaint. Sony Mobile does not contest that at least some Sony Mobile products have been sold or offered for sale in Texas, but denies that it did substantial business in this forum with respect to the accused products identified in the Complaint.

4. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

5. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

6. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

7. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

8. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, and therefore denies them.

JURISDICTION AND VENUE

9. Sony Mobile admits that the Complaint purports to describe an action for patent infringement arising under “35 U.S.C. §§ 271, 281, and 284-285, among others,” but denies the legal sufficiency of CCE’s claims and allegations.

10. Sony Mobile admits that 28 U.S.C. §§ 1331, 1338(a), and 1367 authorize this Court to hear claims of patent infringement, but denies that it has committed any acts of infringement.

11. Sony Mobile admits that 28 U.S.C. §§ 1391(b) and (c), and 1400(b) govern the rules of venue in Federal courts, but denies that this judicial district is the most convenient forum for parties and witnesses or is an appropriate venue for litigation of this action in the interests of justice. Sony Mobile denies that it has committed acts of infringement within this judicial district. Further, Sony Mobile denies that any other Defendant has committed acts of infringement relating to Sony Mobile products or services within this judicial district. Sony Mobile does not contest that at least some Sony Mobile products have been sold or offered for sale in Texas and within this judicial district, but denies that it did substantial business in this

forum with respect to the accused products identified in the Complaint. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

12. Sony Mobile does not contest that at least some Sony Mobile products have been sold or offered for sale in Texas, but denies that it did substantial business in this forum with respect to the accused products identified in the Complaint. For the purpose of this action only and without waiving any defense of lack of personal jurisdiction in connection with any other cause of action or claim, Sony Mobile does not contest whether jurisdiction properly lies in this district. Sony Mobile denies the remaining allegations in this paragraph and in particular any suggestion that Sony Mobile has committed any act of infringement.

13. Sony Mobile admits that it has marketed and sold mobile devices within this District while providing technical and customer support for such devices. Sony Mobile denies the remaining allegations in this paragraph and in particular any suggestion that Sony Mobile has committed any act of infringement.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,385,966)

14. Sony Mobile incorporates by reference its responses to the allegations of paragraphs 1 through 13 above as if fully set forth herein.

15. Sony Mobile admits that the '966 patent is titled "Method, Apparatus, and Computer Program for Power Control Related to Random Access Procedures." Sony Mobile admits that on its face, Exhibit A appears to be a copy of the '966 patent. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

16. Denies.

17. Denies.

18. Denies.

19. Denies.

20. Sony Mobile admits that it is affiliated with a 3rd Generation Partnership Project (“3GPP”) member organization. Sony Mobile denies that it received actual notice of the ‘966 patent prior to service of the Complaint. Sony Mobile lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

21. Denies.

22. Denies.

23. Denies.

24. Denies.

25. Denies.

26. Denies.

27. Denies.

28. Denies.

29. Denies.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 8,848,556)

30. Sony Mobile incorporates by reference its responses to the allegations of paragraphs 1 through 29 above as if fully set forth herein.

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