

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

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., ET AL.,

Defendants.

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

CONSOLIDATED LEAD CASE

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

KYOCERA COMMUNICATIONS, 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.

CIVIL ACTION NO. 6:15-cv-49

JURY TRIAL DEMANDED

**ANSWER, AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS OF KYOCERA COMMUNICATIONS, INC.
TO PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Kyocera Communications, Inc. (“KCI”) by and through its undersigned attorneys, hereby answers the First Amended Complaint (the “FAC”) asserting infringement of U.S. Patent No. 8,385,966 (“the ’966 patent”) and U.S. Patent No. 8,868,060 (“the ’060 patent”) (collectively, the “Patents-In-Suit”) filed by Cellular Communications Equipment LLC (“CCE”) as follows:

THE PARTIES

1. KCI is without knowledge or information sufficient to form a belief regarding the allegations of Paragraph 1 of the FAC, and on that basis KCI denies those allegations.

2. KCI admits only that it is a Delaware corporation with its principal place of business located at 9520 Towne Centre Drive, San Diego, California 92121, and that it can be served through Corporation Services Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. KCI denies the remaining allegations of Paragraph 2 of the FAC.

3. No response is required by KCI to Paragraph 3 of the FAC because it is directed to a different defendant.

4. No response is required by KCI to Paragraph 4 of the FAC because it is directed to a different defendant.

5. No response is required by KCI to Paragraph 5 of the FAC because it is directed to a different defendant.

6. No response is required by KCI to Paragraph 6 of the FAC because it is directed to a different defendant.

7. No response is required by KCI to Paragraph 7 of the FAC because it is directed to a different defendant.

8. No response is required by KCI to Paragraph 8 of the FAC because it is directed to a different defendant.

9. No response is required by KCI to Paragraph 9 of the FAC because it is directed to a different defendant.

10. No response is required by KCI to Paragraph 10 of the FAC because it is directed to a different defendant.

11. No response is required by KCI to Paragraph 11 of the FAC because it is directed to a different defendant.

JURISDICTION AND VENUE

12. KCI admits that CCE contends in Paragraph 12 of the FAC that this action arises under the patent laws of the United States Code, 35 U.S.C. § 271 *et seq.*, but KCI denies that CCE's infringement claims have merit.

13. KCI admits that, because CCE alleges that this action arises under the patent laws of the United States, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 1367.

14. KCI admits that CCE contends that venue is proper in this Court under Title 28 United States Code §§ 1391 and 1400. KCI denies that venue is convenient in this district, and KCI reserves the right to seek a transfer of venue. KCI also denies that it has committed acts of infringement in this district or anywhere else.

15. KCI denies the allegations of Paragraph 15 of the FAC that are directed to KCI. No response is required to the remaining allegations of Paragraph 15 of the FAC because they are not directed to KCI.

16. KCI denies the allegations of Paragraph 16 of the FAC that are directed to KCI. No response is required to the remaining allegations of Paragraph 16 of the FAC because they are not directed to KCI.

COUNT I

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

17. KCI incorporates by reference its responses to the allegations of Paragraphs 1 through 16 of the FAC.

18. KCI admits only that a document purporting to be a copy of Patent No. 8,385,966 (“the ‘966 patent”) is attached as Exhibit A to the FAC, the face of which shows the title “Method, Apparatus and Computer Program for Power Control Related to Random Access Procedures.” KCI lacks knowledge sufficient to form a belief as to the truth of the remaining allegations of Paragraph 18 of the FAC, and therefore denies such allegations.

19. KCI denies the allegations of Paragraph 19 of the FAC.

20. KCI denies any infringement of the ‘966 patent, and denies the allegations of Paragraph 20 of the FAC.

21. KCI denies any infringement of the ‘966 patent, and denies the allegations of Paragraph 21 of the FAC.

22. KCI denies any infringement of the ‘966 patent, and denies the allegations of Paragraph 22 of the FAC.

23. KCI denies that it is a 3rd Generation Partnership Project (or “3GPP”) member organization, or is affiliated with a 3GPP member organization. KCI lacks knowledge sufficient to form a belief as to whether the other Defendants are 3rd Generation Partnership Project (or “3GPP”) member organizations, or are affiliated with a 3GPP member organization, and therefore denies such allegations. KCI denies the remaining allegations of Paragraph 23 of the FAC.

24. KCI denies the allegations of Paragraph 24 of the FAC.

25. KCI denies the allegations of Paragraph 25 of the FAC.

26. KCI denies the allegations of Paragraph 26 of the FAC.

27. KCI denies the allegations of Paragraph 27 of the FAC.

28. KCI denies any infringement of the '966 patent, and denies the allegations of Paragraph 28 of the FAC.

29. KCI denies the allegations of Paragraph 29 of the FAC.

30. KCI denies any infringement of the '966 patent, and denies the allegations of Paragraph 30 of the FAC.

31. KCI denies any infringement of the '966 patent, and denies the allegations of Paragraph 31 of the FAC.

32. KCI denies any infringement of the '966 patent, and denies the allegations of Paragraph 32 of the FAC.

33. KCI denies the allegations of Paragraph 33 of the FAC.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 8,868,060)

34. KCI incorporates by reference its responses to the allegations of Paragraphs 1 through 16 of the FAC.

35. KCI admits only that a document purporting to be a copy of Patent No. 8,868,060 ("the '060 patent") is attached as Exhibit B to the FAC, the face of which shows the title "Method, Network and Device for Information Provision by Using Paging and Cell Broadcast Services." KCI lacks knowledge sufficient to form a belief as to the truth of the remaining allegations of Paragraph 35 of the FAC, and therefore denies such allegations.

36. KCI denies the allegations of Paragraph 36 of the FAC.

37. KCI denies any infringement of the '060 patent, and denies the allegations of Paragraph 37 of the FAC.

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