

**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.

CIVIL ACTION NO. 6:14-cv-982

CONSOLIDATED LEAD CASE

PLAINTIFF’S REPLY TO LG ELECTRONICS’ COUNTERCLAIMS

Plaintiff Cellular Communications Equipment LLC (“CCE”) hereby files this reply to Defendants LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively “LG” or “Counterclaimants”) Counterclaims to the First Amended Complaint. All allegations not expressly admitted are denied. With respect to the individually numbered paragraphs in Defendants’ counterclaims, Plaintiff replies as follows:

LG ELECTRONICS’ COUNTERCLAIMS

172. CCE admits that Counterclaimant purports to incorporate paragraphs 1-171 of Counterclaimants’ answer as if set forth in paragraph 172 in their entirety. CCE asserts that such

wholesale incorporation by reference of over 170 paragraphs in this singular paragraph is improper. Except as admitted, CCE denies the allegations of paragraph 172.

173. The allegations in paragraph 173 are legal conclusions to which no response is required. To the extent that paragraph 173 contains any factual allegations to which CCE must respond, CCE denies such allegations.

NATURE OF THE ACTION

174. The allegations in paragraph 174 are legal conclusions to which no response is required. To the extent that paragraph 174 contains any factual allegations to which CCE must respond, CCE admits that an actual controversy exists with respect to infringement and validity. Except as admitted, the allegations of paragraph 174 are denied.

THE PARTIES

175. CCE lacks knowledge or information sufficient to form a belief about paragraph 175 and thus denies same.

176. CCE lacks knowledge or information sufficient to form a belief about paragraph 176 and thus denies same.

177. CCE admits that it is a Texas limited liability company with a principal place of business in Plano, Texas. Except as admitted, the allegations of paragraph 177 are denied.

JURISDICTION AND VENUE

178. CCE admits that LG's counterclaims arise under Title 35 of the United States Code. CCE admits that the Court has original jurisdiction under the subject matter of LG's counterclaims. Except as admitted, the allegations of paragraph 178 are denied.

179. CCE admits that the Court has personal jurisdiction over it with respect to the claims and counterclaims asserted in this action. Except as admitted, the allegations of paragraph 179 are denied.

180. CCE admits that venue is proper in this District with respect to the claims and counterclaims asserted in this action. Except as admitted, CCE denies the allegations in paragraph 180.

181. CCE admits that an actual justiciable controversy exists between LG and CCE concerning infringement and validity of U.S. Patent Nos. 8,385,966 (“the ’966 patent”), 8,848,556 (“the ’556 patent”), and 8,868,060 (“the ’060 patent”). CCE admits that it has asserted that LG has infringed and is infringing the ’966 Patent, ’556 Patent, and ’060 Patent. CCE admits that LG purports to assert that it has not infringed the ’966 Patent, ’556 Patent, and ’060 Patent. Except as admitted, the allegations of paragraph 181 are denied.

COUNTERCLAIM I
(Declaration of Noninfringement of U.S. Patent No. 8,385,966)

182. CCE admits that Counterclaimants purport to incorporate and re-allege paragraphs 172-181 of their Counterclaims. CCE incorporates and re-alleges paragraphs 172-181 of this Reply.

183. CCE denies the allegations of paragraph 183.

184. The allegations in paragraph 184 are legal conclusions to which no response is required. To the extent that paragraph 184 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM II
(Declaration of Noninfringement of U.S. Patent No. 8,848,556)

185. CCE admits that Counterclaimants purport to incorporate and re-allege paragraphs 172-184 of their Counterclaims. CCE incorporates and re-alleges paragraphs 172-184 of this Reply.

186. CCE denies the allegations of paragraph 186.

187. The allegations in paragraph 187 are legal conclusions to which no response is required. To the extent that paragraph 187 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM III
(Declaration of Noninfringement of U.S. Patent No. 8,868,060)

188. CCE admits that Counterclaimants purport to incorporate and re-allege paragraphs 172-187 of their Counterclaims. CCE incorporates and re-alleges paragraphs 172-187 of this Reply.

189. CCE denies the allegations of paragraph 189.

190. The allegations in paragraph 190 are legal conclusions to which no response is required. To the extent that paragraph 190 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM IV
(Declaration of Invalidity of U.S. Patent No. 8,385,966)

191. CCE admits that Counterclaimants purport to incorporate and re-allege paragraphs 172-190 of their Counterclaims. CCE incorporates and re-alleges paragraphs 172-190 of this Reply.

192. CCE denies the allegations of paragraph 192.

193. The allegations in paragraph 193 are legal conclusions to which no response is required. To the extent that paragraph 193 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM V
(Declaration of Invalidity of U.S. Patent No. 8,848,556)

194. CCE admits that Counterclaimants purport to incorporate and re-allege paragraphs 172-193 of their Counterclaims. CCE incorporates and re-alleges paragraphs 172-193 of this Reply.

195. CCE denies the allegations of paragraph 195.

196. allegations in paragraph 196 are legal conclusions to which no response is required. To the extent that paragraph 196 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM VI
(Declaration of Invalidity of U.S. Patent No. 8,868,060)

197. CCE admits that Counterclaimant purports to incorporate and re-allege paragraphs 172-196 of its Counterclaims. CCE incorporates and re-alleges paragraphs 172-196 of this Reply.

198. CCE denies the allegations of paragraph 198.

199. The allegations in paragraph 199 are legal conclusions to which no response is required. To the extent that paragraph 199 contains any factual allegations to which CCE must respond, CCE denies such allegations.

COUNTERCLAIM VII
(Breach of Contract)

200. CCE filed an antecedent motion to dismiss this counterclaim. Thus, other than as indicated in the motion to dismiss, CCE makes no response to the allegations comprising the counterclaim at this time.

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