

**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**

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-983

**JURY TRIAL DEMANDED**

**PLAINTIFF’S REPLY TO SONY MOBILE  
COMMUNICATIONS (USA) INC.’S COUNTERCLAIMS**

Plaintiff Cellular Communications Equipment LLC (“CCE”) hereby files this reply to Defendant Sony Mobile Communications (USA) Inc.’s (“Sony” or “Counterclaimant”) Counterclaims to the First Amended Complaint. All allegations not expressly admitted are denied. With respect to the individually numbered paragraphs in Defendant’s counterclaims, Plaintiff replies as follows:

**THE PARTIES**

1. CCE admits that Sony Mobile Communications (USA) Inc. is a corporation organized and existing under the laws of Delaware, having a principle place of business in San Mateo, California. Except as admitted, the allegations of paragraph 1 are denied.

2. CCE admits that it is a limited liability company organized under the laws of Texas. Except as admitted, the allegations of paragraph 2 are denied.

**JURISDICTION AND VENUE**

3. The allegations in paragraph 3 are legal conclusions to which no response is required. To the extent that paragraph 3 contains any factual allegations to which CCE must respond, CCE admits that Sony purports to bring a declaratory judgment action for non-infringement and invalidity of U.S. Patent No. 8,385,966 (“the ‘966 Patent”), U.S. Patent No. 8,848,556 (“the ‘556 Patent”), and U.S. Patent No. 8,868,060 (“the ‘060 Patent”). Except as admitted, the allegations of paragraph 3 are denied.

4. CCE admits that this Court has subject matter jurisdiction over the claims and counterclaims asserted in this action. Except as admitted, the allegations of paragraph 4 are denied.

5. CCE admits that this Court has personal jurisdiction over CCE with respect to the claims and counterclaims asserted in this action. Except as admitted, the allegations of paragraph 5 are denied.

6. CCE admits that venue is proper in this District with respect to the claims and counterclaims asserted in this action. Except as admitted, the allegations of paragraph 6 are denied.

7. Based on the CCE's complaint, Sony's answer, and Sony's counterclaims, CCE admits that there exists an actual, justiciable controversy between Sony and CCE concerning the '966 patent, the '556 patents, and the '060 patent. Except as admitted, the allegations of paragraph 7 are denied.

8. The allegations in paragraph 8 are legal conclusions to which no response is required. To the extent that paragraph 8 contains any factual allegations to which CCE must respond, CCE denies that this is an exceptional case under 35 U.S.C. § 285 under which Sony is entitled to recover its attorneys' fees.

**FIRST COUNTERCLAIM**  
**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '966 PATENT)**

9. CCE admits that Sony purports to repeat the allegations of paragraphs 1 to 8 of its Counterclaims. CCE incorporates and re-alleges paragraphs 1-8 of this Reply.

10. CCE admits that it has initiated a civil action against Sony by filing a Complaint in this Court alleging that Sony has infringed the '966 Patent.

11. CCE denies the allegations of paragraph 11.

12. CCE admits that an actual controversy exists between Sony and CCE with respect to infringement of the '966 Patent. Except as admitted, the allegations of paragraph 12 are denied.

13. The allegations in paragraph 13 are legal conclusions to which no response is required. To the extent that paragraph 13 contains any factual allegations to which CCE must respond, CCE denies such allegations.

**SECOND COUNTERCLAIM**  
**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '556 PATENT)**

14. CCE admits that Sony purports to repeat the allegations of paragraphs 1 to 13 of its Counterclaims. CCE incorporates and re-alleges paragraphs 1-13 of this Reply.

15. CCE admits that it has initiated a civil action against Sony by filing a Complaint in this Court alleging that Sony has infringed the '556 Patent.

16. CCE denies the allegations of paragraph 16.

17. CCE admits that an actual controversy exists between Sony and CCE with respect to infringement of the '556 Patent. Except as admitted, the allegations of paragraph 17 are denied.

18. The allegations in paragraph 18 are legal conclusions to which no response is required. To the extent that paragraph 18 contains any factual allegations to which CCE must respond, CCE denies such allegations.

**THIRD COUNTERCLAIM**  
**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '060 PATENT)**

19. CCE admits that Sony purports to repeat the allegations of paragraphs 1 to 18 of its Counterclaims. CCE incorporates and re-alleges paragraphs 1-18 of this Reply.

20. CCE admits that it has initiated a civil action against Sony by filing a Complaint in this Court alleging that Sony has infringed the '060 Patent.

21. CCE denies the allegations of paragraph 21.

22. CCE admits that an actual controversy exists between Sony and CCE with respect to infringement of the '060 Patent. Except as admitted, the allegations of paragraph 22 are denied.

23. The allegations in paragraph 23 are legal conclusions to which no response is required. To the extent that paragraph 23 contains any factual allegations to which CCE must respond, CCE denies such allegations.

**FOURTH COUNTERCLAIM**  
**(DECLARATORY JUDGMENT OF INVALIDITY OF THE '966 PATENT)**

24. CCE admits that Sony purports to repeat the allegations of paragraphs 1 to 23 of its Counterclaims. CCE incorporates and re-alleges paragraphs 1-23 of this Reply.

25. CCE denies the allegations of paragraph 25. CCE asserts that incorporation by reference of Sony's motion for summary judgment is improper.

26. CCE admits that an actual controversy exists between Sony and CCE with respect to validity of the '966 Patent. Except as admitted, the allegations of paragraph 26 are denied.

27. The allegations in paragraph 27 are legal conclusions to which no response is required. To the extent that paragraph 27 contains any factual allegations to which CCE must respond, CCE denies such allegations.

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