

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

ANCORA TECHNOLOGIES, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

Civil Action No. 6:19-cv-385

Jury Trial Requested

**ANSWER TO DEFENDANTS' COUNTERCLAIMS**

Plaintiff Ancora Technologies, Inc. submits the following Answer to the Counterclaims asserted by Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung" or "Defendants"):

**PARTIES**

1. Plaintiff admits that SEC is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742. Plaintiff denies the remaining allegations in this paragraph.

2. Plaintiff admits that SEA is a corporation organized and existing under the laws of the State of New York with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Plaintiff denies the remaining allegations in this paragraph.

3. Admitted.

### **JURISDICTION AND VENUE**

4. Plaintiff admits that the Court has subject matter jurisdiction over Defendants' Counterclaims to the extent they arise under 28 U.S.C. §§ 1331 and 1338. Plaintiff denies the remaining allegations in this paragraph.

5. Plaintiff admits that venue is proper as to SEC in the Western District of Texas. Plaintiff further admits that this Court has personal jurisdiction over it to the extent that the asserted Counterclaims relate to the allegations in Plaintiff's Complaint. Plaintiff further admits that venue is proper in the Western District of Texas as to it, to the extent that the asserted Counterclaims relate to the allegations in Plaintiff's Complaint. Plaintiff denies the remaining allegations in this paragraph.

### **BACKGROUND**

6. Admitted.

7. Admitted.

8. This paragraph states legal conclusions to which no response is required. To the extent a response is required, Plaintiff admits that an actual, substantial, and continuing justiciable controversy exists between Ancora and Samsung concerning the infringement of the '941 patent. Plaintiff denies the remaining allegations in this paragraph.

### **FIRST COUNTERCLAIM (Non-Infringement of '941 Patent)**

9. Plaintiff incorporates by reference its responses in the preceding paragraphs.

10. Admitted.

11. Denied.

12. Denied.

**SECOND COUNTERCLAIM**  
**(Invalidity of '941 Patent)**

13. Plaintiff incorporates by reference its responses in the preceding paragraphs.
14. Denied.
15. Denied.

**PRAYER FOR RELIEF**

Plaintiff denies that Defendants are entitled to any of the relief they seek and requests that the Court deny all such relief with prejudice and order that Defendants take nothing and enter judgment in Plaintiff's favor against Defendants as follows:

- A. Declaring that Defendants have infringed the '941 patent;
- B. Awarding damages to Plaintiff arising out of this infringement, including enhanced damages pursuant to 35 U.S.C. § 284 and prejudgment and post-judgment interest, in an amount according to proof;
- C. Awarding such other costs and relief the Court deems just and proper, including any relief that the Court may deem appropriate under 35 U.S.C. § 285.

**GENERAL DENIAL**

Except as expressly admitted above, Plaintiff denies every allegation in Defendants' Counterclaims.

**AFFIRMATIVE DEFENSES**

Plaintiff asserts the following Affirmative Defenses against Defendants' Counterclaims and reserves the right to amend such defenses as additional information becomes available:

1. The claims of U.S. Patent No. 6,411,941 are valid, enforceable, and infringed by Defendants.
2. Defendants' Counterclaims fail to state a claim on which relief can be granted.

3. Defendants' Counterclaims are barred, in whole or in part, under the doctrines of waiver, laches, and/or estoppel.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all issues so triable.

Dated: October 18, 2019

Respectfully submitted,

By: /s/ Charles L. Ainsworth

Charles L. Ainsworth (Texas 00783521)  
Robert Christopher Bunt (Texas 00787165)  
PARKER, BUNT & AINSWORTH, P.C.  
1000 East Ferguson, Suite 418  
Tyler, Texas 75702  
Tel: (903) 531-3535  
charley@pbatyler.com  
rcbunt@pbatyler.com

Lexie G. White (Texas 24048876)  
SUSMAN GODFREY LLP  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Tel: (713) 651-9366  
Fax: (713) 654-6666  
lwhite@susmangodfrey.com

Andres Healy (*pro hac vice*)  
SUSMAN GODFREY LLP  
1201 Third Avenue, Suite 3800  
Seattle, Washington 98101  
Tel: (206) 516-3880  
Fax: 206-516-3883  
ahealy@susmangodfrey.com

Zachary B. Savage (*pro hac vice*)  
SUSMAN GODFREY LLP  
1301 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, New York 10019  
Tel: (212) 336-8330  
Fax: (212) 336-8340  
zsavage@susmangodfrey.com

**COUNSEL FOR PLAINTIFF ANCORA**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of October, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

*/s/ Charles Ainsworth*  
CHARLES AINSWORTH