

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

STC.UNM,

Plaintiff,

vs.

APPLE INC.,

Defendant.

No. 6:19-CV-428

JURY TRIAL DEMANDED

DEFENDANT APPLE INC.'S ANSWER AND DEFENSES TO  
PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Defendant Apple Inc. ("Defendant") answers and replies to the Plaintiff's Original Complaint for Patent Infringement and Jury Demand (the "Complaint"). Except as expressly admitted below, Apple denies each and every allegation set forth in the Complaint. Defendant responds to the correspondingly numbered paragraphs of Plaintiff's Complaint as follows:

I.

1. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 1 of the Complaint, and therefore denies the allegations in that paragraph.
2. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 2 of the Complaint, and therefore denies the allegations in that paragraph.
3. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 3 of the Complaint, and therefore denies the allegations in that paragraph.
4. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 4 of the Complaint, and therefore denies the allegations in that paragraph.

5. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 5 of the Complaint, and therefore denies the allegations in that paragraph.

6. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 6 of the Complaint, and therefore denies the allegations in that paragraph.

7. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 7 of the Complaint, and therefore denies the allegations in that paragraph.

8. Defendant denies the allegations in paragraph 8 of the Complaint.

9. Defendant admits the allegations in paragraph 9 of the Complaint.

## II.

10. Responding to the allegations in paragraph 10 of the Complaint, Defendant admits that this action purports to arise under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* and that the Court has subject-matter jurisdiction over the action. Defendant denies that it has infringed any of the asserted patents and denies the remaining allegations in paragraph 10.

11. Responding to the allegations in paragraph 11 of the Complaint, Defendant does not contest personal jurisdiction in this case.

12. Responding to the allegations in paragraph 12 of the Complaint, Defendant admits that it operates certain retail establishments and other facilities within the Western District of Texas, which is located within the State of Texas. Whether such facilities constitute “regular and established places of business” involves a question of statutory interpretation, and thus, Defendant denies that allegation and the remaining allegations in paragraph 12.

13. Defendant denies the allegations in paragraph 13 of the Complaint.

14. Defendant denies the allegations in paragraph 14 of the Complaint.

III.

15. Responding to the allegations in paragraph 15 of the Complaint, for purposes of this case only, Defendant does not contest that venue would exist in this judicial district under 28 U.S.C. § 1400(b).

16. Defendant admits the allegations in paragraph 16 of the Complaint.

17. Defendant admits the allegations in paragraph 17 of the Complaint.

18. Responding to the allegations in paragraph 18 of the Complaint, Defendant admits that it maintains a corporate office at 5505 W. Parmer Lane, in Austin, Texas, which is located within the boundaries of the Western District of Texas. As of September 13, 2019, Austin has the second-largest Apple presence in terms of number of employees. Whether such a presence constitutes a “regular and established place of business” involves a question of statutory interpretation, and thus, Defendant denies that allegation and the remaining allegations in paragraph 18.

19. Responding to the allegations in paragraph 19 of the Complaint, Defendant admits that it operates a number of “Apple Store” retail establishments within the boundaries of the Western District of Texas at the addresses listed in paragraph 19. Whether such facilities constitute “regular and established places of business” involves a question of statutory interpretation, and thus, Defendant denies that allegation and the remaining allegations in paragraph 19.

20. Responding to the allegations in paragraph 20 of the Complaint, Defendant admits that the “Apple Store” locations listed in paragraph 19 of the Complaint are retail establishments where Defendant transacts business with its retail customers. Defendant denies the remaining allegations of paragraph 20 of the Complaint.

21. Paragraph 21 of the Complaint is vague in that the term “belong to” is undefined and not a legal term, and thus, Defendant is without sufficient information to form a belief as to the truth of the allegations in that paragraph 21. Accordingly, Defendant denies the allegations in that paragraph.

22. Defendant denies the allegations in paragraph 22 of the Complaint.

#### IV.

23. Responding to the allegations in paragraph 23 of the Complaint, Defendant admits that U.S. Patent No. 8,249,204 bears a title “Apparatus and method for channel state information feedback” and that it issued on August 21, 2012. Defendant admits that the cover of the ’204 Patent states that its application number is 12/339,000 filed on December 18, 2008, and that it is related to “[p]rovisional application No. 61/079,980.” Defendant is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 23 and therefore denies the remaining allegations in that paragraph. Defendant further denies that the ’204 Patent was properly issued.

24. Defendant denies the allegations in paragraph 24 of the Complaint.

25. Responding to the allegations in paragraph 25 of the Complaint, Defendant admits that the cover page of the ’204 Patent lists the following persons as alleged inventors: “Wen-Rong Wu, Hinschu (TW); Tzu-Han Hsu, Kaohsiung (TW); Jen-Yuan Hsu, Jincheng Township (TW); Pang-An Ting, Fongyuan (TW).” Defendant is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 25 and therefore denies the allegations in that paragraph.

26. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 26 of the Complaint, and therefore denies the allegations in that paragraph.

27. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and therefore denies the allegations in that paragraph.

28. Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 28 of the Complaint, and therefore denies the allegations in that paragraph.

29. Defendant's products do not implement the alleged inventions of the '204 Patent, and thus, Defendant does not require a license to that patent. Nevertheless, at the present time, Defendant is without knowledge as to all parties to which Plaintiff or its predecessors-in-interest have licensed the '204 Patent, including whether any such license extends to Defendant's suppliers, distributors, or customers. Thus, Defendant is without sufficient information to form a belief as to the truth of the allegations in paragraph 29 of the Complaint, and therefore denies the allegations in that paragraph.

V.

30. Responding to the allegations in paragraph 30 of the Complaint, Defendant admits that U.S. Patent No. 8,265,096 bears a title "Method for Constructing Frame Structures" and that it issued on September 11, 2012. Defendant admits that the cover of the '096 Patent states that its application number is 12/168,855 filed on July 7, 2008, and that it is related to "[p]rovisional application No. 60/929,798" and "provisional application No. 60/973,157." Defendant is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 30

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