

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

RFCYBER CORP.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-00916-ADA

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.'S ANSWER TO AMENDED COMPLAINT FOR PATENT
INFRINGEMENT**

Defendant Apple Inc. (“Apple”) respectfully submits this response to the Amended Complaint filed by Plaintiff RFCyber Corp. (“RFCyber”). Except as expressly admitted below, Apple denies each and every allegation set forth in the Amended Complaint. Apple responds to the numbered paragraphs of the Amended Complaint and the prayer for relief as follows:

THE PARTIES¹

Complaint No. 1: RFCyber is a Texas corporation with a place of business at 600 Columbus Avenue, Suite 106, Waco, Texas 76701. RFCyber is the owner of all right, title, and interest in and to, or is the exclusive licensee with the right to sue for U.S. Patent Nos. 8,118,218, 8,448,855, 9,189,787, 9,240,009, 10,600,046, and 11,018,724 (collectively, the “Patents-in-Suit” or “Asserted Patents”).

¹ Apple is adopting all headings used in RFCyber’s Amended Complaint for ease of reference. To the extent these headings contain any allegations to which a response is required, Apple denies any such allegations.

1. Apple lacks sufficient information to form a belief as to the truth of the allegations set forth in Paragraph 1 and on that basis denies them.

Complaint No. 2: Defendant Apple, Inc. is a corporation organized and existing under the laws of California, with one or more regular and established places of business in this District at least at 12545 Riata Vista Circle, Austin, Texas 78727; 12801 Delcour Drive, Austin, Texas 78727; 6800 W Parmer Lane, Austin, Texas 78729, and 3121 Palm Way, Austin, Texas 78758. Apple may be served with process through its registered agent, the CT Corp System, at 1999 Bryan St., Ste. 900 Dallas, Texas 75201-3136. In November 2019, Apple stated that it had approximately 7,000 employees in Austin and that it expected to open, in 2022, a \$1 billion, 3 million-square-foot campus with capacity for 15,000 employees. *See* <https://www.apple.com/newsroom/2019/11/apple-expands-in-austin/>. Apple is registered to do business in the State of Texas and has been since at least May 16, 1980.

2. Apple admits that it is a corporation organized under the laws of the state of California. Apple admits that it has one or more regular and established places of business in Austin, Texas. Apple admits that it is registered to do business in the State of Texas and may be served through its registered agent, the CT Corp System, at 1999 Bryan St., Ste. 900 in Dallas, Texas 75201. Apple admits that it has offices in Austin, Texas. Apple denies the remaining allegations contained in Paragraph 2.

JURISDICTION AND VENUE

Complaint No. 3: This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

3. Apple admits that this Court has jurisdiction over the subject matter of this action.

Complaint No. 4: The amount in controversy exceeds \$75,000.

4. Apple lacks sufficient information to form a belief as to the truth of the allegations set forth in Paragraph 4 and on that basis denies them.

Complaint No. 5: This Court has specific and personal jurisdiction over Defendant consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, Defendant has sufficient minimum contacts with the forum because Defendant has physical locations and transacts substantial business in the State of Texas and in this Judicial District. Further, Defendant has, directly or through subsidiaries or intermediaries, committed and continues to commit acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

5. Apple admits that this Court has general jurisdiction over Apple in this action. Apple denies the remaining allegations contained in Paragraph 5 and specifically denies that it has committed any acts of infringement in this District or elsewhere.

Complaint No. 6: Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. Defendant, through its own acts, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one.

6. For the purposes of this litigation only, Apple admits venue is proper in the Austin Division of this District. Apple denies that it has committed any acts of patent infringement in this District or elsewhere. Apple denies all remaining allegations in Paragraph 6.

PATENTS-IN-SUIT

Complaint No. 7: On February 21, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,118,218 (the “’218 Patent”) entitled “Method and Apparatus for Providing Electronic Purse.” A true and correct copy of the ’218 Patent is attached as Exhibit A.

7. Apple admits that U.S. Patent No. 8,118,218 is titled “Method and Apparatus for Providing Electronic Purse.” Apple admits that a document that purports to be a copy of the ’218 patent is attached as Exhibit A. Apple lacks sufficient information to form a belief as to the truth of the remaining allegations set forth in Paragraph 7 and on that basis denies them.

Complaint No. 8: On May 28, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,448,855 (the “’855 Patent”) entitled “Method and Apparatus For Funding An Electronic Purse.” A true and correct copy of the ’855 Patent is attached as Exhibit B.

8. Apple admits that U.S. Patent No. 8,448,855 is titled “Method and Apparatus For Funding An Electronic Purse.” Apple admits that a document that purports to be a copy of the ’855 patent is attached as Exhibit B. Apple lacks sufficient information to form a belief as to the truth of the remaining allegations set forth in Paragraph 8 and on that basis denies them.

Complaint No. 9: On November 17, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,189,787 (the “’787 Patent”) entitled “Method and

Apparatus for Conducting E-Commerce and M-Commerce.” A true and correct copy of the ’787 Patent is attached as Exhibit C.

9. Apple admits that U.S. Patent No. 9,189,787 is titled “Method and Apparatus for Conducting E-Commerce and M-Commerce.” Apple admits that a document that purports to be a copy of the ’787 patent is attached as Exhibit C. Apple lacks sufficient information to form a belief as to the truth of the remaining allegations set forth in Paragraph 9 and on that basis denies them.

Complaint No. 10: On January 19, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,240,009 (the “’009 Patent”) entitled “Mobile Devices for Commerce Over Unsecured Networks.” A true and correct copy of the ’009 Patent is attached as Exhibit D.

10. Apple admits that U.S. Patent No. 9,240,009 is titled “Mobile Devices for Commerce Over Unsecured Networks.” Apple admits that a document that purports to be a copy of the ’009 patent is attached as Exhibit D. Apple lacks sufficient information to form a belief as to the truth of the remaining allegations set forth in Paragraph 10 and on that basis denies them.

Complaint No. 11: On January March 24, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,600,046 (the “’046 Patent”) entitled “Method and Apparatus for Mobile Payments.” A true and correct copy of the ’046 Patent is attached as Exhibit E.

11. Apple admits that U.S. Patent No. 10,600,046 is titled “Method and Apparatus for Mobile Payments.” Apple admits that a document that purports to be a copy of the ’046 patent is attached as Exhibit E. Apple lacks sufficient information to form a belief as to the truth of the remaining allegations set forth in Paragraph 11 and on that basis denies them.

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