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

RFCyber CORP.,

        Plaintiff,

  v.

VISA U.S.A. Inc.,

        Defendant.

CASE NO.: 6:22-cv-00697

JURY TRIAL DEMANDED

VISA U.S.A INC.'s ANSWER TO PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Defendant, Visa U.S.A Inc. ("Visa") answers and responds to each of the allegations of

Plaintiff RFCyber Corp. ("Plaintiff" or "RFCyber") as follow:

THE PARTIES

1.   Visa denies the allegations contained in Paragraph 1 of the Complaint, as Visa

lacks sufficient knowledge and information to form a belief as to the truth of the allegations.

2.   Visa admits that it is a corporation organized and existing under the laws of

Delaware, it is registered to do business in the State of Texas, and it has an agent registered in

Texas, the Corporation Service Company d/b/a CSC-Lawyers Incorporated, at 211 E. 7th Street

Suite 620 Austin, Texas. Except as expressly admitted herein, Visa denies all remaining

allegations in Paragraph 2.

JURISDICTION AND VENUE

3.   Visa admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 1338. Visa denies any remaining allegations in Paragraph 3 of the Complaint.

4.   Visa does not contest that this Court has personal jurisdiction solely for the purposes of this particular action. Visa admits it maintains certain physical offices in the State of Texas and in this Judicial District. Visa denies all remaining allegations in Paragraph 4 of the Complaint, and specifically denies that it has committed any acts of infringement within this District, or any other District.

5.   Visa does not contest that venue is proper in this District for the purposes of this particular action but denies that venue is convenient or in the interest of justice under 28 U.S.C. § 1404(a). Visa denies any remaining allegations in Paragraph 5 of the Complaint.

6.   Visa admits that what purports to be a copy of U.S. Patent No. 8,118,218 (the "'218 Patent") is attached as Exhibit A to the Complaint. Visa further admits that the face of what appears to be the '218 Patent indicates that it is titled "Method and Apparatus for Providing Electronic Purse" and that the date of the patent is February 21, 2012. Visa denies that the '218 Patent was duly and legally issued. Visa denies all other allegations contained in Paragraph 6 of the Complaint.

7.   Visa admits that what purports to be a copy of U.S. Patent No. 8,448,855 (the "'855 Patent") is attached as Exhibit B to the Complaint. Visa further admits that the face of what appears to be the '855 Patent indicates that it is titled "Method and Apparatus for Funding an Electronic Purse" and that the date of the patent is May 28, 2013. Visa denies that the '855 Patent was duly and legally issued. Visa denies all other allegations contained in Paragraph 7 of the Complaint.

8. Visa admits that what purports to be a copy of U.S. Patent No. 9,189,787 (the "'787 Patent") is attached as Exhibit C to the Complaint. Visa further admits that the face of what appears to be the '787 Patent indicates that it is titled "Method and Apparatus for Conducting E-Commerce and M-Commerce" and that the date of the patent is November 17, 2015. Visa denies that the '787 Patent was duly and legally issued. Visa denies all other allegations contained in Paragraph 8 of the Complaint.

9. Visa admits that what purports to be a copy of U.S. Patent No. 9,240,009 (the "'009 Patent") is attached as Exhibit D to the Complaint. Visa further admits that the face of what appears to be the '009 Patent indicates that it is titled "Mobile Devices for Commerce Over Unsecured Networks" and that the date of the patent is January 19, 2016. Visa denies that the '009 Patent was duly and legally issued. Visa denies all other allegations contained in Paragraph 9 of the Complaint.

10. Visa denies that RFCyber has any right to recover damages or seek an injunction under any of the '218, '855, '787, and '009 Patents. Visa denies all other allegations contained in Paragraph 10 of the Complaint.

11. Plaintiff's allegations in Paragraph 11 of the Complaint appear intended to reflect Plaintiff's legal contentions, proposed claim constructions, and theories of infringement, and Visa therefore denies them. Visa specifically denies that it infringes any valid claim of Plaintiff's patents.

12. Visa admits that Visa has operated services, including Visa Token Service (a.k.a. VTS), Visa Ready, Token ID, and Visa payWave. Visa denies all remaining allegations of Paragraph 12 and specifically denies that it has infringed any valid claim of Plaintiff's patents.

13. Visa denies the allegations contained in Paragraph 13 of the Complaint.

14.   Visa denies the allegations contained in Paragraph 14 of the Complaint except that Visa admits that it received a subpoena issued in the action RFCyber v. Samsung Elecs. Co., and Samsung Elecs. Am., Inc., 2:20-cv-00335 (E.D. Tex.).

15.   Visa denies the allegations contained in Paragraph 15 of the Complaint, as Visa lacks sufficient knowledge and information to form a belief as to the truth of the allegations.

COUNT I
(Infringement of the '218 Patent)[1]

16.   Visa reasserts and incorporates by reference the responses to all preceding paragraphs as if fully set forth herein.

17.   Visa denies the allegations contained in Paragraph 17, as Visa lacks sufficient knowledge and information to form a belief as to the truth of the allegations.

18.   Visa denies the allegations contained in Paragraph 18.

19.   Visa denies the allegations contained in Paragraph 19.

20.   Visa denies the allegations contained in Paragraph 20.

21.   Visa denies the allegations contained in Paragraph 21.

22.   Visa denies the allegations contained in Paragraph 22.

23.   Visa denies the allegations contained in Paragraph 23.

24.   Visa denies the allegations contained in Paragraph 24.

25.   Visa denies the allegations contained in Paragraph 25.

26.   Visa denies the allegations contained in Paragraph 26.

27.   Visa denies the allegations contained in Paragraph 27.

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[1] Visa includes the headings from RFCyber's Complaint for ease of reference only. Visa denies the statement in this heading and all other headings that assert that Visa infringes any valid patent.

28.   Visa denies the allegations contained in Paragraph 28.

29.   Visa denies the allegations contained in Paragraph 29.

30.   Visa denies the allegations contained in Paragraph 30.

31.   Visa denies the allegations contained in Paragraph 31.

32.   Visa denies the allegations contained in Paragraph 32.

COUNT II
(Infringement of the '855 Patent)

33.   Visa reasserts and incorporates by reference the responses to all preceding

paragraphs as if fully set forth herein.

34.   Visa denies the allegations contained in Paragraph 34, as Visa lacks sufficient

knowledge and information to form a belief as to the truth of the allegations.

35.   Visa denies the allegations contained in Paragraph 35.

36.   Visa denies the allegations contained in Paragraph 36.

37.   Visa denies the allegations contained in Paragraph 37.

38.   Visa denies the allegations contained in Paragraph 38.

39.   Visa denies the allegations contained in Paragraph 39.

40.   Visa denies the allegations contained in Paragraph 40.

41.   Visa denies the allegations contained in Paragraph 41.

42.   Visa denies the allegations contained in Paragraph 42.

43.   Visa denies the allegations contained in Paragraph 43.

44.   Visa denies the allegations contained in Paragraph 44.

45.   Visa denies the allegations contained in Paragraph 45.

46.   Visa denies the allegations contained in Paragraph 46.

47.   Visa denies the allegations contained in Paragraph 47.

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