

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION and
HTC AMERICA, INC.,

Defendants.

HTC CORPORATION and
HTC AMERICA, INC.

Third-Party Plaintiffs,

v.

STMICROELECTRONICS, N.V.,
STMICROELECTRONICS, INC., and
CYWEE MOTION GROUP LTD.,

Third-Party Defendants

CASE NO. 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

**THIRD-PARTY DEFENDANT CYWEE
MOTION GROUP LTD.'S ANSWER
TO THIRD PARTY COMPLAINT AND
CROSS-COUNTERCLAIMS FOR**

(1) CONVERSION;

(2) UNJUST ENRICHMENT; AND

(3) DECLARATORY JUDGMENT

THIRD PARTY DEFENDANT CYWEE MOTION GROUP,
LTD.'S ANSWER AND CROSS-COUNTERCLAIMS

SHORE CHAN DEPUMPO LLP
901 MAIN STREET, SUITE 3300
DALLAS, TX 75202

1 Third-Party Defendant Cywee Motion Group, Ltd. (“CyWee Motion”) answers
2 herein HTC Corporation and HTC America, Inc.’s (collectively “HTC”) Third-Party
3 Complaint (“Complaint”). Unless expressly admitted, all averments asserted by HTC in its
4 Complaint are denied.

5 **PARTIES**

6 1. CyWee Motion admits that Plaintiff Cywee Group Ltd. is a corporation organized
7 and existing under the laws of the British Virgin Islands, with a principal place of business at
8 3F, No. 28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

9 2. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
10 truth of the allegations in Paragraph 2, and therefore denies them.

11 3. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations in Paragraph 3, and therefore denies them.

13 4. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
14 truth of the allegations in Paragraph 4, and therefore denies them.

15 5. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 5, and therefore denies them.

17 6. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
18 truth of the allegations in Paragraph 6, and therefore denies them.

19 7. CyWee Motion admits that it is a corporation organized and existing under the laws
20 of Taiwan, with its principal place of business located at 114-45 Wenhua Street, Neihu
21 District, Taipei City, 11445, 5th Floor, 12-2 Taiwan.

22 8. CyWee Motion admits that it is affiliated with CyWee Group Ltd.

23 **JURISDICTION AND VENUE**

24 9. CyWee Motion admits that this Court has subject matter jurisdiction over this
25 matter.

1 10. CyWee Motion admits that this Court has subject matter jurisdiction over this
2 matter.

3 11. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
4 truth of the allegations in Paragraph 11, and therefore denies them.

5 12. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
6 truth of the allegations in Paragraph 12, and therefore denies them.

7 13. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
8 truth of the allegations in Paragraph 13, and therefore denies them.

9 14. CyWee Motion admits the existence of the press release as described, but otherwise
10 denies the allegations in Paragraph 14.

11 15. CyWee Motion admits that it is subject to the jurisdiction of this Court for purposes
12 of this action only.

13 16. CyWee Motion admits that venue is proper in this jurisdiction for purposes of this
14 action only.

15 **FACTUAL BACKGROUND**

16 17. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
17 truth of the allegations in Paragraph 17, and therefore denies them.

18 18. CyWee Motion admits the allegations in Paragraph 18.

19 19. CyWee Motion denies the allegations in Paragraph 19.

20 20. CyWee Motion lacks knowledge or information sufficient to admit or deny the
21 allegations in Paragraph 20. HTC has alleged that it uses other software or a modified
22 version of the accused software, but CyWee Motion has not been able to inspect HTC's
23 source code.

24 21. CyWee Motion admits that six-axis and nine-axis motion sensors for wireless devices
25 are referenced in Plaintiff CyWee Group Ltd.'s ("CyWee Group) infringement allegations.

26 In all other respects, CyWee Motion denies the allegations in Paragraph 21.

1 22. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations in Paragraph 22, and therefore denies them.

3 23. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
4 truth of the allegations in Paragraph 23, and therefore denies them.

5 24. CyWee Motion denies the allegations in Paragraph 24.

6 25. CyWee Motion denies the allegations in Paragraph 25.

7 26. CyWee Motion admits to the existence of the press release as described, but
8 otherwise denies the allegations in Paragraph 26.

9 27. CyWee Motion admits the allegations in Paragraph 27.

10 28. CyWee Motion denies the allegations in Paragraph 28.

11 29. CyWee Motion admits that it is affiliated with CyWee Group and that it enters into
12 agreements through which entities may use licensed software in exchange for royalty
13 payments, but otherwise denies the allegations in Paragraph 29.

14 30. CyWee Motion denies the allegations in Paragraph 30.

15 31. CyWee Motion denies the allegations in Paragraph 31.

16 32. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
17 truth of the allegations in Paragraph 32, and therefore denies them.

18 33. CyWee Motion lacks knowledge or information sufficient to form a belief as to the
19 truth of the allegations in Paragraph 33 as they pertain to STM. In all other respects, CyWee
20 Motion denies the allegations in Paragraph 33.

21 34. CyWee Motion denies the allegations in Paragraph 34.

22 35. CyWee Motion denies the allegations in Paragraph 35.

23 36. CyWee Motion denies the allegations in Paragraph 36.

24 37. CyWee Motion admits that HTC claims that impleader is proper, but otherwise
25 denies the allegations in Paragraph 37.

1 **FIRST CAUSE OF ACTION**

2 **(Indemnity)**

3 38. CyWee Motion reasserts and incorporates by reference its responses to all preceding
4 Paragraphs as if fully set forth herein.

5 39. This cause of action is directed at STM only, has been dismissed with prejudice, and
6 therefore requires no response. To the extent any of the allegations in Paragraph 39 pertain
7 to CyWee Motion, they are denied.

8 40. This cause of action is directed at STM only, has been dismissed with prejudice, and
9 therefore requires no response. To the extent any of the allegations in Paragraph 40 pertain
10 to CyWee Motion, they are denied.

11 41. This cause of action is directed at STM only, has been dismissed with prejudice, and
12 therefore requires no response. To the extent any of the allegations in Paragraph 41 pertain
13 to CyWee Motion, they are denied.

14 42. This cause of action is directed at STM only, has been dismissed with prejudice, and
15 therefore requires no response. To the extent any of the allegations in Paragraph 42 pertain
16 to CyWee Motion, they are denied.

17 43. This cause of action is directed at STM only, has been dismissed with prejudice, and
18 therefore requires no response. To the extent any of the allegations in Paragraph 43 pertain
19 to CyWee Motion, they are denied.

20 **SECOND CAUSE OF ACTION**

21 **(Breach of Warranty of Title)**

22 44. CyWee Motion reasserts and incorporates by reference its responses to all preceding
23 Paragraphs as if fully set forth herein.

24 45. This cause of action is directed at STM only, has been dismissed with prejudice, and
25 therefore requires no response. To the extent any of the allegations in Paragraph 45 pertain
26 to CyWee Motion, they are denied.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.