

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiffs,

v.

HTC CORPORATION, and HTC AMERICA,  
INC.,

Defendants.

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

**DEFENDANTS HTC CORPORATION  
AND HTC AMERICA, INC.’S  
ANSWER TO PLAINTIFF CYWEE  
GROUP LTD.’S SECOND AMENDED  
COMPLAINT FOR PATENT  
INFRINGEMENT**

JURY TRIAL DEMANDED

HTC CORPORATION, and HTC AMERICA,  
INC.,

Third-Party Plaintiffs,

v.

STMicroelectronics N.V., STMicroelectronics,  
Inc., and CyWee Motion Group Ltd.,

Third-Party Defendants.

Defendants HTC Corporation (“HTC Corp.”) and HTC America, Inc. (“HTC America”) (collectively, “HTC” or “Defendants”), by and through their undersigned counsel, hereby respond to Plaintiff CyWee Group Ltd.’s (“CyWee” or “Plaintiff”) Second Amended Complaint for Patent Infringement of United States Patent No. 8,441,438 (“the ’438 Patent”) and United States Patent No. 8,552,978 (“the ’978 Patent”) as follows. To the extent any allegation in the Second Amended Complaint is not explicitly admitted herein, it is denied.

1 **THE PARTIES**

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

4 2. HTC lacks knowledge or information sufficient to form a belief as to the truth of  
5 the allegations in Paragraph 2, and therefore denies them.

6 3. HTC Corp. admits that it is a corporation organized and existing under the laws of  
7 Taiwan, with a principal place of business located at No. 88, Section 3, Zhongxing Road,  
8 Xindian District, New Taipei City 231, Taiwan. HTC Corp. admits that it manufactures products  
9 that are available in the United States. Except as expressly admitted herein, HTC Corp. denies  
10 the remaining allegations in Paragraph 3.

11 4. HTC America admits that it is a corporation organized and existing under the  
12 laws of the state of Washington, with its principal place of business located at 308 Occidental  
13 Avenue South, Floor 3, Seattle, Washington 98104. HTC America admits that it has imported,  
14 sold, or offered for sale various products within the United States. Except as expressly admitted  
15 herein, HTC America denies the remaining allegations in Paragraph 4.

16 5. HTC America admits that it does business within the state of Washington. Except  
17 as expressly admitted herein, HTC denies the remaining allegations in Paragraph 5.

18 **JURISDICTION AND VENUE**

19 6. HTC admits that CyWee's Second Amended Complaint purports to set forth an  
20 action arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and that this  
21 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), provided that  
22 the requirements of standing are satisfied. Except as expressly admitted herein, HTC denies the  
23 remaining allegations in Paragraph 6.

24 7. HTC America does not contest that this Court has personal jurisdiction over it.  
25 For purposes of this case only, HTC Corp. does not contest that this Court has personal  
26 jurisdiction over it. HTC America admits that it has conducted business within the state of  
27 Washington. HTC Corp. admits that it filed a complaint in the civil action captioned, *HTC*

1 *Corporation v. Telefonaktiebolaget LM Ericsson*, No. 2:17-cv-00534-MJP (W.D. Wash. Apr. 6,  
2 2017). HTC America admits that it is a corporation organized and existing under the laws of the  
3 state of Washington. Except as expressly admitted herein, HTC denies the remaining allegations  
4 in Paragraph 7.

5 8. HTC America admits that it does business within the state of Washington. Except  
6 as expressly admitted herein, HTC denies the remaining allegations in Paragraph 8.

7 9. HTC America admits that it is a corporation organized and existing under the  
8 laws of the state of Washington. HTC America does not contest that venue in this case is proper.  
9 HTC denies the remaining allegations in Paragraph 9.

10 10. HTC Corp. admits that it is not incorporated in the United States. HTC Corp.  
11 does not contest that venue is proper. HTC denies the remaining allegations in Paragraph 10.

12 11. HTC admits that the U.S. section of htc.com includes a webpage for U.S.  
13 copyright terms and U.S. copyright agent information. To the extent Paragraph 11 describes,  
14 quotes, or cites specific documents, HTC responds that these documents speak for themselves.  
15 To the extent the allegations of Paragraph 11 set forth a legal conclusion, no response is required.  
16 HTC denies the remaining allegations in Paragraph 11.

17 12. HTC America admits that certain products that it sells have an HTC trademark.  
18 HTC lacks knowledge or information sufficient to form a belief as to the truth of the allegations  
19 in Paragraph 12 regarding consumers, and therefore denies them. HTC denies the remaining  
20 allegations in Paragraph 12.

21 13. For purposes of this case only, HTC Corp. does not contest that venue is proper.  
22 To the extent the remaining allegations of Paragraph 13 set forth a legal conclusion, no response  
23 is required. HTC denies any other remaining allegations in Paragraph 13.

24 **BACKGROUND**

25 14. HTC lacks knowledge or information sufficient to form a belief as to the truth of  
26 the allegations in Paragraph 14, and therefore denies them.

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1           15.     HTC lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in Paragraph 15, and therefore denies them.

3           16.     HTC lacks knowledge or information sufficient to form a belief as to the truth of  
4 the allegations in Paragraph 16, and therefore denies them.

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

7           18.     HTC lacks knowledge or information sufficient to form a belief as to the truth of  
8 the allegations in Paragraph 18, and therefore denies them.

9                   **PATENT INFRINGEMENT OF U.S. PATENT NO. 8,441,438**

10           19.     HTC reasserts and incorporates by reference its responses to all preceding  
11 Paragraphs as though fully set forth herein.

12           20.     HTC admits that the '438 Patent, on its face, is entitled "3D Pointing Device and  
13 Method for Compensating Movement Thereof," bears an issue date of May 14, 2013, lists the  
14 assignee as CyWee Group Limited, and lists the inventors as Zhou Ye, Chin-Lung Li, and Shun-  
15 Nan Liou. HTC lacks knowledge or information sufficient to form a belief as to the truth of the  
16 remaining allegations in Paragraph 20, and therefore denies them.

17           21.     HTC lacks knowledge or information sufficient to form a belief as to the truth of  
18 the allegations in Paragraph 21, and therefore denies them.

19           22.     HTC admits that what purports to be the declaration of Nicholas Gans, Ph.D., is  
20 attached to the Second Amended Complaint as Exhibit C. HTC lacks knowledge or information  
21 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 22, and  
22 therefore denies them.

23           23.     HTC lacks knowledge or information sufficient to form a belief as to the truth of  
24 the allegations in Paragraph 23, and therefore denies them.

25           24.     Denied.

26           25.     Denied.

27           26.     Denied.

1 27. HTC lacks knowledge or information sufficient to form a belief as to the truth of  
2 the allegations in Paragraph 27, and therefore denies them.

3 28. HTC admits that it received a copy of the '438 Patent when it was served with the  
4 complaint in this action. HTC denies the remaining allegations in Paragraph 28.

5 29. HTC admits that the HTC 10 includes a display screen, as HTC generally  
6 understands that term.

7 30. To the extent that the allegation of Paragraph 30 sets forth a legal conclusion, no  
8 response is required. HTC denies all remaining allegations of Paragraph 30.<sup>1</sup>

9 31. To the extent that the allegation of Paragraph 31 sets forth a legal conclusion, no  
10 response is required. HTC denies all remaining allegations of Paragraph 31.

11 32. To the extent that the allegation of Paragraph 32 sets forth a legal conclusion, no  
12 response is required. HTC denies all remaining allegations of Paragraph 32.

13 33. HTC admits that the HTC 10 includes at least one printed circuit board ("PCB"),  
14 as HTC generally understands that term.

15 34. To the extent that the allegation of Paragraph 34 sets forth a legal conclusion, no  
16 response is required. HTC denies all remaining allegations of Paragraph 34.

17 35. To the extent that the allegation of Paragraph 35 sets forth a legal conclusion, no  
18 response is required. HTC denies all remaining allegations of Paragraph 35.

19 36. To the extent that the allegation of Paragraph 36 sets forth a legal conclusion, no  
20 response is required. HTC denies all remaining allegations of Paragraph 36.

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23 <sup>1</sup> CyWee's allegations seeking admission of individual claim limitations were rejected in a  
24 related litigation as seeking legal conclusions to which no responses were required. *See CyWee*  
25 *Grp. Ltd. v. Samsung Elecs. Co., Ltd.*, No. 2:17-cv-00140-RWS-RSP, slip op. at 2 (E.D. Tex.  
26 Sept. 20, 2017) ("The Court agrees with Samsung. Given our Local Patent Rules and our  
27 District's well-established process for identifying and resolving claim-construction issues, the  
interests of justice do not require Samsung to make an unconditional admission or denial as to  
specific claim limitations this early.").

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