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 12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**
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16 EMBLAZE LTD., 17 Plaintiff, 18 vs. 19 APPLE INC., a California Corporation, 20 Defendant.) Case No.: 4:11-cv-01079-SBA)) ANSWER TO COUNTERCLAIMS) (Trial by Jury Demanded))) Judge: Hon. Sandra Brown Armstrong))))
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 23 Plaintiff/Counterclaim-Defendant Emblaze, Ltd. (“Emblaze”) hereby answers the
 24 Counterclaims of Defendant/Counterclaim-Plaintiff, Apple Inc. (“Apple”), set forth in Apple’s
 25 Answer and Counterclaims to Plaintiff’s First Amended Complaint (the “Counterclaims”), filed
 26 May 14, 2012 [D.E. 106], as follows:
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PARTIES

1. Upon information and belief, Emblaze admits paragraph 32 of the Counterclaims.

2. In response to paragraph 33 of the Counterclaims, Emblaze admits that it is an Israeli corporation and states that paragraph 33 identifies Emblaze's former principal place of business, not its current principal place of business, which is 9, Hamenofim Street, Herzeliya, Israel 46725.

JURISDICTION AND VENUE

3. Responding to paragraph 34 of the Counterclaims, Emblaze admits that the Counterclaims purport to state claims for relief under the patent laws and the Declaratory Judgment Act, but denies that Apple is entitled to any relief under those laws. Emblaze admits that the Court's subject jurisdiction is proper.

4. Emblaze admits paragraph 35 of the Counterclaims.

**COUNT 1 – APPLE'S REQUEST FOR
DECLARATION OF NON-INFRINGEMENT**

5. Emblaze incorporates by reference its reply to paragraphs 34-35 of the Counterclaims as if fully set forth herein.

6. Emblaze admits paragraph 37 of the Counterclaims.

7. Emblaze denies that Apple is entitled to a declaration of non-infringement as sought in paragraph 38 of the Counterclaims and denies that Apple has not infringed the '473 patent.

**COUNT II – APPLE'S REQUEST FOR DECLARATION
OF PATENT INVALIDITY AND/OR UNENFORCEABILITY**

8. Emblaze incorporates by reference its reply to paragraphs 34-38 of the Counterclaims as if fully set forth herein.

1 9. Emblaze denies that Apple is entitled to a declaration of invalidity and/or
2 unenforceability of the '473 patent as sought in paragraph 40 of the Counterclaims and denies that
3 the '473 patent is invalid or unenforceable.

4 **JURY DEMAND**

5 10. Paragraph 41 of the Counterclaims is a demand for trial by jury as to which no
6 response is required.

7 **DENIAL OF REMAINING ALLEGATIONS OF COUNTERCLAIM**

8 11. To the extent not expressly admitted herein, Emblaze denies any remaining
9 allegations of the Counterclaims.
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11 **PRAYER FOR RELIEF**

12 Emblaze respectfully requests a judgment against Apple on the Counterclaims as follows:

13 1. That the Court enter judgment against Apple and in favor of Emblaze on Apple's
14 Counterclaims, and that Apple's Counterclaims be dismissed with prejudice;

15 2. That the Court enter a judgment that this is an exceptional case under 35 U.S.C.
16 § 285 and enter a judgment awarding Emblaze its costs and reasonable attorneys' fees in the
17 defense of the Counterclaims; and
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19 3. That the Court grant Emblaze such other and further relief as it may deem just and
20 proper under the circumstances.

21 Dated: June 4, 2012

DAVIS WRIGHT TREMAINE LLP
COZEN O'CONNOR

22 By: /s/ Lisa A. Ferrari

23 *Attorneys for Plaintiff/Counterclaim Defendant*
24 *Emblaze Ltd.*
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DEMAND FOR JURY TRIAL

Emblaze hereby demands a trial by jury of all issues so triable.

Dated: June 4, 2012

DAVIS WRIGHT TREMAINE LLP
COZEN O'CONNOR

By: /s/ Lisa A. Ferrari

*Attorneys for Plaintiff/Counterclaim Defendant
Emblaze Ltd.*

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CERTIFICATE OF SERVICE

1 I hereby certify that on this 4th day of June, 2012, I caused to be served a complete and
2 correct copy of the foregoing **ANSWER TO COUNTERCLAIMS**, on defendant, *via* ECF,
3 which will send notice to the following counsel of record:
4

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