1 2 3 4 5 6 7 8	QUINN EMANUEL URQUHART & SULLIVAN, LLP Charles K. Verhoeven (Cal. Bar No. 170151) Sean Pak (Cal. Bar No. 219032) Matthew S. Warren (Cal. Bar No. 230565) Kristin J. Madigan (Cal. Bar No. 233436) quinn-google-n.d.cal13-05933@quinnemanuel.com 50 California Street, 22nd Floor San Francisco, California 94111 (415) 875-6600 (415) 875-6700 facsimile Attorneys for Plaintiff GOOGLE INC. UNITED STATES DISTRICT COURT		
9	NORTHERN DISTR	ICT OF CALIFORNIA	
10	OAKLAND DIVISION		
11			
12	GOOGLE INC.,	CASE NO. 13-cv-5933-CW	
13	Plaintiff,	ANSWER OF GOOGLE INC. TO COUNTERCLAIMS FOR PATENT	
14	v.	INFRINGEMENT OF ROCKSTAR CONSORTIUM US LP AND	
15	ROCKSTAR CONSORTIUM US LP and MOBILESTAR TECHNOLOGIES LLC,	MOBILESTAR TECHNOLOGIES LLC	
16	Defendants.	DEMAND FOR JURY TRIAL	
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		Case No. 13-cv-5933-CW	
		GOOGLE'S ANSWER TO ROCKSTAR'S COUNTERCLAIMS	

1	Google Inc. ("Google") answers the Counterclaims of Rockstar Consortium US LP and		
2	MobileStar Technologies LLC (collectively, "Rockstar") as follows:		
3	PARTIES		
4	1. Google admits that Rockstar Consortium US LP is a limited partnership organized		
5	and existing under the laws of Delaware. Rockstar Consortium US LP's principal place of		
6	business is in Ottawa, Canada. Google therefore denies the remaining allegations of this		
7	paragraph.		
8	2. Google admits that MobileStar Technologies LLC is a limited liability corporation		
9	organized and existing under the laws of Delaware. MobileStar Technologies LLC's principal		
10	place of business is in Ottawa, Canada. Google therefore denies the remaining allegations of this		
11	paragraph.		
12	3. Google's correct name is "Google Inc." Google otherwise admits the allegations of		
13	this paragraph.		
14	BACKGROUND FACTS		
15	4. Google admits that after a number of entities filed for bankruptcy protection under		
16	the laws of Canada and the United States, the United States Bankruptcy Court for the District of		
17	Delaware approved procedures for an auction of a patent portfolio of more than 6,000 patents. In		
18	re Nortel Networks Inc., et al., Case No. 09-10138, Docket No. 5935 (July 11, 2011). Google is		
19	without knowledge or information sufficient to form a belief as to the truth of the remaining		
20	allegations of this paragraph, and therefore denies them.		
21	5. Google admits that one of its subsidiaries participated in the auction		
22	approved by the United States Bankruptcy Court for the District of Delaware, and placed bids in		
23	that auction. Google denies the remaining allegations of this paragraph.		
24	6. Google admits that, on April 4, 2011, one of its subsidiaries offered to purchase a		
25	portfolio of more than 6,000 patents under the supervision of the United States Bankruptcy Court		
26	for the District of Delaware. Google denies the remaining allegations of this paragraph.		
27	7. Google admits that one of its subsidiaries participated in the auction approved by		
28	the United States Bankruptcy Court for the District of Delaware, and placed bids in that auction.		
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Google denies the remaining allegations of this paragraph, and specifically denies that it was put
 on notice, or otherwise aware, of any alleged infringement of the patents Rockstar has asserted in
 this action.

8. 4 Google admits that one of its subsidiaries participated in the auction approved by 5 the United States Bankruptcy Court for the District of Delaware, and placed a bid of \$900,000,000 6 to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google is 7 without knowledge or information sufficient to form a belief as to the truth of whether "a group 8 led by the current shareholders of Rockstar Consortium purchased the portfolio for \$4.5 billion," 9 and therefore denies these allegations of this paragraph. Google admits that its subsidiary placed 10 additional bids and that the winning bid at the auction was \$4.5 billion. Google denies the 11 remaining allegations of this paragraph.

9. Google admits that it offers for sale and sells certain devices bearing the "Nexus"
brand. Google denies the remaining allegations of this paragraph, and specifically denies that it
has committed any acts of infringement.

15 10. Google admits that devices bearing the "Nexus" brand include the Nexus 5, Nexus
16 7, Nexus 10, and Galaxy Nexus. Google denies the remaining allegations of this paragraph.

17

18

# JURISDICTION AND VENUE

11. Google admits the allegations of this paragraph.

19 12. This paragraph contains no assertions and therefore requires no response by
20 Google. Nonetheless, Google notes that this Court has already found personal jurisdiction over
21 Rockstar, has already found venue to be proper, and has already denied Rockstar's motion to
22 transfer this action under 28 U.S.C. § 1404.

13. Google admits that this Court has personal jurisdiction over Google. Google
admits that it has conducted business and does conduct business in California. Google admits that
its principal place of business is at 1600 Amphitheatre Parkway, Mountain View, California,
94043. Google admits that it offers for sale and sells in the United States and in this District
certain of Google's Nexus devices. Google denies the remaining allegations in this paragraph, and
specifically denies that it has committed any acts of infringement.

1 14. Google admits that this Court has personal jurisdiction over Rockstar. Google
 2 denies the remaining allegations of this paragraph.

3

## ASSERTED PATENTS

Google admits that on its face, U.S. Patent No. 5,838,551 ("the '551 Patent") is
entitled "Electronic package carrying an electronic component and assembly of mother board and
electronic package," identifies Yee-Ning Chan as the named inventor, and bears an issue date of
November 17, 1998. Google denies that the '551 Patent was duly and legally issued. Google is
without knowledge or information sufficient to form a belief as to the truth of the remaining
allegations of this paragraph, and therefore denies them.

10 16. Google admits that on its face, U.S. Patent No. 6,037,937 ("the '937 Patent") is
11 entitled "Navigation tool for graphical user interface," identifies Brian Finlay Beaton, Colin
12 Donald Smith, and Bruce Dale Stalkie as the named inventors, bears an issue date of March 14,
13 2000. Google denies that the '937 Patent was duly and legally issued. Google is without
14 knowledge or information sufficient to form a belief as to the truth of the remaining allegations of
15 this paragraph, and therefore denies them.

16 17. Google admits that on its face, U.S. Patent No. 6,128,298 ("the '298 Patent") is
17 entitled "Internet protocol filter," identifies Bruce Anthony Wootton and William G. Colvin as the
18 named inventors, and bears an issue date of October 3, 2000. Google denies that the '298 Patent
19 was duly and legally issued. Google is without knowledge or information sufficient to form a
20 belief as to the truth of the remaining allegations of this paragraph, and therefore denies them.

18. Google admits that on its face, U.S. Patent No. 6,333,973 ("the '973 Patent") is
entitled "Integrated message center," identifies Colin Donald Smith and Brian Finlay Beaton as
the named inventors, and bears an issue date of December 25, 2001. Google denies that the '973
Patent was duly and legally issued. Google is without knowledge or information sufficient to
form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies
them.

27
19. Google admits that on its face, U.S. Patent No. 6,463,131 ("the '131 Patent") is
28
entitled "System and method for notifying a user of an incoming communication event,"

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identifies Marilyn French-St. George, Mitch A. Brisebois, and Laura A. Mahan as the named
 inventors, and bears an issue date of October 8, 2002. Google denies that the '131 Patent was duly
 and legally issued. Google is without knowledge or information sufficient to form a belief as to
 the truth of the remaining allegations of this paragraph, and therefore denies them.

Source 20. Google admits that on its face, U.S. Patent No. 6,765,591 ("the '591 Patent") is
entitled "Managing a virtual private network," identifies Matthew W. Poisson, Melissa L.
Desroches, and James M. Milillo as the named inventors, and bears an issue date of July 20, 2004.
Google denies that the '591 Patent was duly and legally issued. Google is without knowledge or
information sufficient to form a belief as to the truth of the remaining allegations of this
paragraph, and therefore denies them.

11 21. Google admits that on its face, U.S. Patent No. 6,937,572 ("the '572 Patent") is
12 entitled "Call trace on a packet switched network," identifies Brian B. Egan and Milos
13 Vodsedalek as the named inventors, and bears an issue date of August 30, 2005. Google denies
14 that the '572 Patent was duly and legally issued. Google is without knowledge or information
15 sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and
16 therefore denies them.

17

# **GENERAL ALLEGATIONS**

18 22. Google denies the allegations in this paragraph, and specifically denies that it has
19 committed any acts of infringement.

20 23. Google admits that it has conducted business and does conduct business in this
21 District. Google denies the remaining allegations in this paragraph.

22 24. Google admits that it offers for sale and sells Nexus 10 devices in the United States
23 and in this District, and that some of its employees use some of the features of that device in this
24 District. Google denies the remaining allegations in this paragraph.

25 25. Google admits that it offers for sale and sells Nexus 5 and Nexus 7 devices in the
26 United States and in this District, and that some of its employees use some of the features of those
27 devices in this District. Google denies the remaining allegations in this paragraph.

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### **ROCKSTAR'S INFRINGEMENT ALLEGATIONS**

2 26. Google incorporates by reference its responses to the prior paragraphs. Google
3 denies the allegations in this paragraph, and specifically denies that it has committed any acts of
4 infringement.

## The '551 Patent

6 27. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10
7 devices in the United States. Google admits that it previously offered for sale and sold Galaxy
8 Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,
9 and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its
10 employees use some of the features of these devices in this District. Google denies the remaining
11 allegations in this paragraph.

12 28. Google admits that one of its subsidiaries participated in the auction approved by 13 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 14 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 15 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 16 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 17 asserted in those actions. Google admits that it was aware of the '551 Patent before filing its 18 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 19 denies that it has committed any acts of infringement, and specifically denies that by April 4, 20 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 21 patents in this action.

22 29. Google denies the allegations in this paragraph, and specifically denies that it has
23 committed any acts of infringement.

30. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

31. Google admits that one of its subsidiaries participated in the auction approved by
the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a
bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google

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1	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
2	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
3	asserted in those actions. Google admits that it was aware of the '551 Patent before filing its		
4	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
5	denies that it has committed any acts of infringement, and specifically denies that by April 4,		
6	2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the		
7	patents in this action.		
8	32. Google denies the allegations in this paragraph.		
9	33. Google denies the allegations in this paragraph.		
10	34. Google denies the allegations in this paragraph.		
11	35. Google denies the allegations in this paragraph, and specifically denies that it has		
12	committed any acts of infringement.		
13	36. Google denies the allegations in this paragraph, and specifically denies that it has		
14	committed any acts of infringement.		
15	The '937 Patent		
16	37. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
17	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
18	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
19	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
20	employees use some of the features of these devices in this District. Google denies the remaining		
21	allegations in this paragraph.		
22	38. Google admits that one of its subsidiaries participated in the auction approved by		
23	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
24	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
25	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
26	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
27	asserted in those actions. Google admits that it was aware of the '937 Patent before filing its		
28	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
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denies that it has committed any acts of infringement, and specifically denies that by April 4,
 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the
 patents in this action.

4 39. Google denies the allegations in this paragraph, and specifically denies that it has
5 committed any acts of infringement.

6 40. Google denies the allegations in this paragraph, and specifically denies that it has
7 committed any acts of infringement.

8 41. Google denies the allegations in this paragraph, and specifically denies that it has
9 committed any acts of infringement.

42. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

12 43. Google admits that one of its subsidiaries participated in the auction approved by 13 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 14 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 15 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 16 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 17 asserted in those actions. Google admits that it was aware of the '937 Patent before filing its 18 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 19 denies that it has committed any acts of infringement, and specifically denies that by April 4, 20 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 21 patents in this action.

44. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

44 45. Google denies the allegations in this paragraph, and specifically denies that it has
25 committed any acts of infringement.

46. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

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1	47. Google admits that one of its wholly owned subsidiaries participated in the		
2	auction approved by the United States Bankruptcy Court for the District of Delaware, and placed a		
3	bid in that auction on April 4, 2011. Google admits that after Rockstar filed its patent		
4	infringement actions in the Eastern District of Texas on October 31, 2013 (the "Halloween		
5	actions"), Google became aware of the claims Rockstar asserted in those actions. Google admits		
6	that it was aware of the '937 Patent before filing its Complaint in this action. Google denies the		
7	remaining allegations in this paragraph, specifically denies that it has committed any acts of		
8	infringement, and specifically denies that it was put on notice, or was otherwise aware, at that		
9	time, of any alleged infringement of the patents Rockstar has asserted in this action.		
10	48. Google denies the allegations in this paragraph.		
11	49. Google denies the allegations in this paragraph.		
12	50. Google denies the allegations in this paragraph.		
13	51. Google denies the allegations in this paragraph, and specifically denies that it has		
14	committed any acts of infringement.		
15	52. Google denies the allegations in this paragraph, and specifically denies that it has		
16	committed any acts of infringement.		
17	The '298 Patent		
18	53. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
19	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
20	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
21	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
22	employees use some of the features of these devices in this District. Google denies the remaining		
23	allegations in this paragraph.		
24	54. Google admits that one of its subsidiaries participated in the auction approved by		
25	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
26	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
27	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
28	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
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asserted in those actions. Google admits that it was aware of the '298 Patent before filing its
 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically
 denies that it has committed any acts of infringement, and specifically denies that by April 4,
 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the
 patents in this action.

6 55. Google denies the allegations in this paragraph, and specifically denies that it has
7 committed any acts of infringement.

8 56. Google denies the allegations in this paragraph, and specifically denies that it has
9 committed any acts of infringement.

10 57. Google denies the allegations in this paragraph, and specifically denies that it has
11 committed any acts of infringement.

12 58. Google denies the allegations in this paragraph, and specifically denies that it has
13 committed any acts of infringement.

14 59. Google admits that one of its subsidiaries participated in the auction approved by 15 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 16 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 17 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 18 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 19 asserted in those actions. Google admits that it was aware of the '298 Patent before filing its 20 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 21 denies that it has committed any acts of infringement, and specifically denies that by April 4, 22 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 23 patents in this action.

24 60. Google denies the allegations in this paragraph, and specifically denies that it has
25 committed any acts of infringement.

26 61. Google denies the allegations in this paragraph, and specifically denies that it has
27 committed any acts of infringement.

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1	62. Google admits that one of its subsidiaries participated in the auction approved by		
2	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
3	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
4	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
5	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
6	asserted in those actions. Google admits that it was aware of the '298 Patent before filing its		
7			
	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
8	denies that it has committed any acts of infringement, and specifically denies that by April 4,		
9	2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the		
10	patents in this action.		
11	63. Google denies the allegations in this paragraph.		
12	64. Google denies the allegations in this paragraph.		
13	65. Google denies the allegations in this paragraph.		
14	66. Google denies the allegations in this paragraph, and specifically denies that it has		
15	committed any acts of infringement.		
16	67. Google denies the allegations in this paragraph, and specifically denies that it has		
17	committed any acts of infringement.		
18	The '973 Patent		
19	68. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
20	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
21	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
22	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
23	employees use some of the features of these devices in this District. Google denies the remaining		
24	allegations in this paragraph.		
25	69. Google admits that one of its subsidiaries participated in the auction approved by		
26	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
27	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
28	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
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October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar
 asserted in those actions. Google admits that it was aware of the '973 Patent before filing its
 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically
 denies that it has committed any acts of infringement, and specifically denies that by April 4,
 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the
 patents in this action.

7 70. Google denies the allegations in this paragraph, and specifically denies that it has
8 committed any acts of infringement.

9 71. Google denies the allegations in this paragraph, and specifically denies that it has
10 committed any acts of infringement.

11 72. Google denies the allegations in this paragraph, and specifically denies that it has
12 committed any acts of infringement.

13 73. Google admits that one of its subsidiaries participated in the auction approved by 14 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 15 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 16 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 17 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 18 asserted in those actions. Google admits that it was aware of the '973 Patent before filing its 19 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 20 denies that it has committed any acts of infringement, and specifically denies that by April 4, 21 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 22 patents in this action.

23 74. Google denies the allegations in this paragraph, and specifically denies that it has
24 committed any acts of infringement.

25 75. Google denies the allegations in this paragraph, and specifically denies that it has
26 committed any acts of infringement.

27 76. Google denies the allegations in this paragraph, and specifically denies that it has
28 committed any acts of infringement.

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1	77. Google admits that one of its subsidiaries participated in the auction approved by		
2	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
3	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
4	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
5	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
6	asserted in those actions. Google admits that it was aware of the '973 Patent before filing its		
7	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
8	denies that it has committed any acts of infringement, and specifically denies that by April 4,		
9	2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the		
10	patents in this action.		
11	78. Google denies the allegations in this paragraph.		
12	79. Google denies the allegations in this paragraph.		
13	80. Google denies the allegations in this paragraph.		
14	81. Google denies the allegations in this paragraph, and specifically denies that it has		
15	committed any acts of infringement.		
16	82. Google denies the allegations in this paragraph, and specifically denies that it has		
17	committed any acts of infringement.		
18	The '131 Patent		
19	83. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
20	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
21	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
22	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
23	employees use some of the features of these devices in this District. Google denies the remaining		
24	allegations in this paragraph.		
25	84. Google admits that one of its subsidiaries participated in the auction approved by		
26	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
27	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
28	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
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October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar
 asserted in those actions. Google admits that it was aware of the '131 Patent before filing its
 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically
 denies that it has committed any acts of infringement, and specifically denies that by April 4,
 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the
 patents in this action.

85. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

9 86. Google denies the allegations in this paragraph, and specifically denies that it has
10 committed any acts of infringement.

87. Google denies the allegations in this paragraph, and specifically denies that it has
committed any acts of infringement.

13 88. Google denies the allegations in this paragraph, and specifically denies that it has
14 committed any acts of infringement.

15 89. Google admits that one of its subsidiaries participated in the auction approved by 16 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 17 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 18 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 19 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar asserted in those actions. Google admits that it was aware of the '131 Patent before filing its 20 21 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 22 denies that it has committed any acts of infringement, and specifically denies that by April 4, 23 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 24 patents in this action.

25 90. Google denies the allegations in this paragraph, and specifically denies that it has
26 committed any acts of infringement.

27 91. Google denies the allegations in this paragraph, and specifically denies that it has
28 committed any acts of infringement.

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1	92. Google admits that one of its subsidiaries participated in the auction approved by		
2	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
3	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
4	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
5	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
6	asserted in those actions. Google admits that it was aware of the '131 Patent before filing its		
7	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
8	denies that it has committed any acts of infringement, and specifically denies that by April 4,		
9	2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the		
10	patents in this action.		
11	93. Google denies the allegations in this paragraph.		
12	94. Google denies the allegations in this paragraph.		
13	95. Google denies the allegations in this paragraph.		
14	96. Google denies the allegations in this paragraph, and specifically denies that it has		
15	committed any acts of infringement.		
16	97. Google denies the allegations in this paragraph, and specifically denies that it has		
17	committed any acts of infringement.		
18	<u>The '591 Patent</u>		
19	98. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
20	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
21	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
22	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
23	employees use some of the features of these devices in this District. Google denies the remaining		
24	allegations in this paragraph.		
25	99. Google denies the allegations in this paragraph, and specifically denies that it has		
26	committed any acts of infringement.		
27	100. Google admits that one of its subsidiaries participated in the auction approved by		
28	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
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1 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 2 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 3 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar asserted in those actions. Google admits that it was aware of the '591 Patent before filing its 4 5 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically denies that it has committed any acts of infringement, and specifically denies that by April 4, 6 7 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 8 patents in this action.

9 101. Google denies the allegations in this paragraph, and specifically denies that it has
10 committed any acts of infringement.

11 102. Google denies the allegations in this paragraph, and specifically denies that it has
12 committed any acts of infringement.

13 103. Google denies the allegations in this paragraph, and specifically denies that it has
14 committed any acts of infringement.

15 Google admits that one of its subsidiaries participated in the auction approved by 104. 16 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 17 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 18 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 19 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 20 asserted in those actions. Google admits that it was aware of the '591 Patent before filing its 21 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 22 denies that it has committed any acts of infringement, and specifically denies that by April 4, 23 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 24 patents in this action.

25 105. Google denies the allegations in this paragraph, and specifically denies that it has
26 committed any acts of infringement.

27 106. Google denies the allegations in this paragraph, and specifically denies that it has
28 committed any acts of infringement.

-15-

1	107. Google admits that one of its subsidiaries participated in the auction approved by		
2	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
3	bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google		
4	admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on		
5	October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar		
6	asserted in those actions. Google admits that it was aware of the '591 Patent before filing its		
7	Complaint in this action. Google denies the remaining allegations in this paragraph, specifically		
8	denies that it has committed any acts of infringement, and specifically denies that by April 4,		
9	2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the		
10	patents in this action.		
11	108. Google denies the allegations in this paragraph.		
12	109. Google denies the allegations in this paragraph.		
13	110. Google denies the allegations in this paragraph.		
14	111. Google denies the allegations in this paragraph, and specifically denies that it has		
15	committed any acts of infringement.		
16	112. Google denies the allegations in this paragraph, and specifically denies that it has		
17	committed any acts of infringement.		
18	<u>The '572 Patent</u>		
19	113. Google admits that it offers for sale and sells Nexus 5, Nexus 7 and Nexus 10		
20	devices in the United States. Google admits that it previously offered for sale and sold Galaxy		
21	Nexus devices in the United States. Google admits that it made software for the Galaxy Nexus,		
22	and makes software for the Nexus 5, Nexus 7 and Nexus 10. Google admits that some of its		
23	employees use some of the features of these devices in this District. Google denies the remaining		
24	allegations in this paragraph.		
25	114. Google denies the allegations in this paragraph, and specifically denies that it has		
26	committed any acts of infringement.		
27	115. Google admits that one of its subsidiaries participated in the auction approved by		
28	the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a		
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bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 1 2 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 3 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar asserted in those actions. Google admits that it was aware of the '572 Patent before filing its 4 5 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically denies that it has committed any acts of infringement, and specifically denies that by April 4, 6 7 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 8 patents in this action.

9 116. Google denies the allegations in this paragraph, and specifically denies that it has
10 committed any acts of infringement.

11 117. Google denies the allegations in this paragraph, and specifically denies that it has
12 committed any acts of infringement.

13 118. Google admits that one of its subsidiaries participated in the auction approved by 14 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 15 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 16 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 17 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 18 asserted in those actions. Google admits that it was aware of the '572 Patent before filing its 19 Complaint in this action. Google denies the remaining allegations in this paragraph, specifically 20 denies that it has committed any acts of infringement, and specifically denies that by April 4, 21 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of the 22 patents in this action. 23 119. Google denies the allegations in this paragraph. 24 120. Google denies the allegations in this paragraph.

121. Google denies the allegations in this paragraph.

26 122. Google denies the allegations in this paragraph, and specifically denies that it has
27 committed any acts of infringement.

-17-

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123. Google denies the allegations in this paragraph, and specifically denies that it has 1 2 committed any acts of infringement.

3

## **Rockstar's Request for Damages and Other Relief**

124. Google denies the allegations in this paragraph, and specifically denies that it has 4 5 committed any acts of infringement.

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125. Google denies the allegations in this paragraph, and specifically denies that it has 7 committed any acts of infringement. Google specifically denies that Rockstar Consortium and 8 MobileStar are entitled to injunctive relief.

9 126. Google admits that one of its subsidiaries participated in the auction approved by 10 the United States Bankruptcy Court for the District of Delaware and, on April 4, 2011, placed a 11 bid to purchase a portfolio of more than 6,000 patents under the supervision of that Court. Google 12 admits that after Rockstar filed its patent infringement actions in the Eastern District of Texas on 13 October 31, 2013 (the "Halloween actions"), Google became aware of the claims Rockstar 14 asserted in those actions. Google admits that it was aware of the patents in this action before filing its Complaint in this action. Google denies the remaining allegations in this paragraph, 15 16 specifically denies that it has committed any acts of infringement, and specifically denies that by 17 April 4, 2011, Google was put on notice, or was otherwise aware, of any alleged infringement of 18 the patents in this action.

19 127. Google denies the allegations in this paragraph, and specifically denies that it has committed any acts of infringement. 20

21 128. Google denies the allegations in this paragraph, and specifically denies that it has 22 committed any acts of infringement.

23

### **DEMAND FOR JURY TRIAL**

-18-

24 129. Rockstar's demand for a trial by jury for all issues triable to a jury does not state 25 any allegation, and Google is not required to respond. To the extent that any allegations are included in the demand, Google denies these allegations. 26

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1	PRAYER FOR RELIEF		
2	130. These paragraphs set forth the statement of relief requested by Rockstar to which		
3	no response is required. Google denies that Rockstar is entitled to any of the requested relief and		
4	denies any allegations.		
5	AFFIRMATIVE DEFENSES		
6	131. Subject to the responses above, Google alleges and asserts the following defenses		
7	in response to the allegations, undertaking the burden of proof only as to those defenses deemed		
8	affirmative defenses by law, regardless of how such defenses are denominated herein. In addition		
9	to the affirmative defenses described below, subject to its responses above, Google specifically		
10	reserves all rights to allege additional affirmative defenses that become known through the course		
11	of discovery.		
12	FIRST DEFENSE—NON-INFRINGEMENT		
13	132. Google does not infringe and has not infringed (not directly, contributorily, or by		
14	inducement), either literally or under the doctrine of equivalents, and is not liable for infringement		
15	of any valid and enforceable claim of the '551, '937, '298, '973, '131, '591, or '572 Patents		
16	(collectively, the "Patents-in-Suit").		
17	SECOND DEFENSE—INVALIDITY		
18	133. The claims of the Patents-in-Suit are invalid and unenforceable under 35 U.S.C.		
19	§ 101 because the claims are directed to abstract ideas or other non-statutory subject matter.		
20	134. The claims of the Patents-in-Suit are invalid and unenforceable under 35 U.S.C.		
21	§ 102 because the claims lack novelty, and are taught and suggested by the prior art.		
22	135. The claims of the Patents-in-Suit are invalid and unenforceable under 35 U.S.C.		
23	§ 103 because the claims are obvious in view of the prior art.		
24	136. The claims of the Patents-in-Suit are invalid and unenforceable for failure satisfy		
25	the conditions set forth in 35 U.S.C. § 112, including failure of written description, lack of		
26	enablement, and claim indefiniteness.		
27			
28			
	-19- Case No. 13-cv-5933-CW		
	GOOGLE'S ANSWER TO ROCKSTAR'S COUNTERCLAIMS		

I			
1		THIRD DEFENSE—LIMITATIONS ON PATENT DAMAGES	
2	137.	Rockstar's claim for damages, if any, against Google for alleged infringement of	
3	the Patents-in-Suit is limited by 35 U.S.C. §§ 286, 287 & 288.		
4		FOURTH DEFENSE—PROSECUTION HISTORY ESTOPPEL	
5	138.	By reason of statements, representations, concessions, admissions, arguments, or	
6	amendments,	whether explicit or implicit, made by or on behalf of the applicants during the	
7	prosecution o	f the patent applications that led to the issuance of the Patents-in-Suit, Rockstar's	
8	claims of pate	ent infringement are barred in whole or in part by the doctrine of prosecution	
9	history estopp	bel.	
10		FIFTH DEFENSE—ESTOPPEL	
11	139.	On information and belief, Rockstar's claims are barred, in whole or in part, by the	
12	doctrines of e	stoppel, laches, disclaimer, patent misuse, and waiver.	
13	SIXT	H DEFENSE—PATENT UNENFORCEABILITY (UNCLEAN HANDS)	
14	140.	Rockstar's claims against Google are barred under the doctrine of unclean hands.	
15		PRAYER FOR RELIEF	
16	WHEREFOR	E, Google prays for judgment and relief as follows:	
17	А.	Dismissing, with prejudice, Rockstar's claims against Google;	
18	В.	Denying all relief that Rockstar seeks against Google;	
19	C.	Finding that this an exceptional case under 35 U.S.C. § 285;	
20	D.	Awarding Google its costs and attorneys' fees in connection with this action; and	
21	E.	Such further and additional relief as the Court deems just and proper.	
22	//		
23	//		
24	//		
25	//		
26	//		
27	//		
28	//		
		-20- Case No. 13-cv-5933-CW	
		GOOGLE'S ANSWER TO ROCKSTAR'S COUNTERCLAIMS	
	1		

1		JURY DEMAND
2	Google demands a jury	y trial on all issues and claims so triable.
3	DATED: May 27, 2014	Respectfully submitted,
4		QUINN EMANUEL URQUHART & SULLIVAN, LLP
5		By <u>/s Matthew S. Warren</u> Charles K. Verhoeven (Cal. Bar No. 170151)
6		Sean Pak (Cal. Bar No. 219032) Matthew S. Warren (Cal. Bar No. 230565)
7		Kristin J. Madigan (Cal. Bar No. 233436) quinn-google-n.d.cal13-05933@quinnemanuel.com
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10		Attorneys for Google Inc.
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		-21- Case No. 13-cv-5933-CW GOOGLE'S ANSWER TO ROCKSTAR'S COUNTERCLAIMS