

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

HIGH TECH COMPUTER CORP., a/k/a
HTC CORP., HTC (B.V.I.) CORP., HTC
AMERICA, INC., and EXEDEA, INC.,

Defendants.

C.A. No. 10-00167-RK

DEMAND FOR JURY TRIAL

**HIGH TECH COMPUTER CORP.'S, A/K/A HTC CORP.'S REPLY TO APPLE INC.'S
COUNTER-COUNTERCLAIMS**

High Tech Computer Corp., a/k/a HTC Corp., hereby responds to Apple, Inc. (hereinafter “Apple”)’s Counter-Counterclaims as follows:

Parties

1. HTC Corp. lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies them.
2. HTC Corp. admits that it is a corporation organized and existing under the laws of Taiwan with its principal place of business at 23 Xinghua Road, Taoyuan 330, Taiwan, Republic of China.

Jurisdiction and Venue

3. HTC Corp. admits that Apple’s counter-counterclaims purport to assert causes of action for declarations of noninfringement and invalidity of the ’032 Patent, the HTC ’354 Patent, and the ’578 Patent under the Declaratory Judgment Act, 28 U.S.C. § 2201, et seq., and the patent laws of the United States, 35 U.S.C. § 100, et seq. To the extent further response is required, HTC denies the remainder of the allegations in Paragraph 3.
4. Paragraph 4 contains legal conclusions to which no response is required.

5. HTC Corp. admits that it has asserted counterclaims against Apple, Inc. in this action. Paragraph 5 otherwise contains legal conclusions to which no response is required.

COUNT I – DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '032 PATENT

6. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-5 above.

7. HTC Corp. admits that, in its counterclaims against Apple, it alleges that it is the exclusive and current owner of all rights, title, and interest in the '032 Patent, including the right to sue for injunctive relief and damages.

8. HTC Corp. admits that, in its counterclaims against Apple, it alleges that Apple has infringed and is infringing directly the '032 Patent, and that Apple has contributed to and/or induced the direct infringement of the '032 Patent.

9. HTC Corp. admits that Apple denies that it has infringed the '032 Patent, but HTC Corp. reiterates its contention that Apple has infringed the '032 Patent.

10. Paragraph 10 contains legal conclusions to which no response is required.

11. Denied.

COUNT II – DECLARATORY JUDGMENT OF INVALIDITY OF THE '032 PATENT

12. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-11 above.

13. HTC Corp. admits that Apple contends that the claims of the '032 Patent are invalid, but denies that any claim of the '032 Patent is invalid.

14. Admitted.

15. Paragraph 15 contains legal conclusions to which no response is required.

16. Denied.

**COUNT III – DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE HTC
'354 PATENT**

17. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-16 above.

18. HTC Corp. admits that, in its counterclaims against Apple, it alleges that it is the exclusive and current owner of all rights, title, and interest in the HTC '354 Patent, including the right to sue for injunctive relief and damages.

19. HTC Corp. admits that, in its counterclaims against Apple, it alleges that Apple has infringed and is infringing directly the HTC '354 Patent, and that Apple has contributed to and/or induced the direct infringement of the HTC '354 Patent.

20. HTC Corp. admits that Apple denies that it has infringed the HTC '354 Patent, but HTC Corp. reiterates its contention that Apple has infringed the HTC '354 Patent.

21. Paragraph 21 contains legal conclusions to which no response is required.

22. Denied.

**COUNT IV – DECLARATORY JUDGMENT OF INVALIDITY OF THE HTC '354
PATENT**

23. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-22 above.

24. HTC Corp. admits that Apple contends that the claims of the HTC '354 Patent are invalid, but denies that any claim of the HTC '354 Patent is invalid.

25. Admitted.

26. Paragraph 26 contains legal conclusions to which no response is required.

27. Denied.

COUNT V – DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '578 PATENT

28. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-27 above.

29. HTC Corp. admits that, in its counterclaims against Apple, it alleges that it is the exclusive and current owner of all rights, title, and interest in the '578 Patent, including the right to sue for injunctive relief and damages.

30. HTC Corp. admits that, in its counterclaims against Apple, it alleges that Apple has infringed and is infringing directly the '578 Patent, and that Apple has contributed to and/or induced the direct infringement of the '578 Patent.

31. HTC Corp. admits that Apple denies that it has infringed the '578 Patent, but HTC Corp. reiterates its contention that Apple has infringed the '578 Patent.

32. Paragraph 32 contains legal conclusions to which no response is required.

33. Denied.

COUNT VI – DECLARATORY JUDGMENT OF INVALIDITY OF THE '578 PATENT

34. HTC Corp. repeats and incorporates its responses set forth in paragraphs 1-33 above.

35. HTC Corp. admits that Apple contends that the claims of the '578 Patent are invalid, but denies that any claim of the '578 Patent is invalid.

36. Admitted.

37. Paragraph 37 contains legal conclusions to which no response is required.

38. Denied.

RESPONSE TO PRAYER FOR RELIEF

39. HTC Corp. denies each allegation of Apple's Counter-Counterclaims not expressly admitted herein and denies that Apple is entitled to any of the relief requested in its Counter-Counterclaims or any of the relief requested in its original complaint.

Dated: August 23, 2010

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on August 23, 2010, I caused to be electronically filed a copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on August 23, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

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