

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

MINERVA INDUSTRIES, INC.,	§	
Plaintiff,	§	
	§	
v.	§	NO. 2:07-cv229
	§	
MOTOROLA, INC., et al.,	§	
Defendants.	§	

**Defendant HTC Corporation's Original Answer**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES, Defendant HTC Corporation ("HTC") and answers the Complaint of Minerva Industries, Inc. ("Minerva") in accordance with Federal Rule 8(b), as follows:

**I.**

**SPECIFIC AVERMENTS TO MINERVA'S ALLEGATIONS**

1. HTC denies that Plaintiff Minerva is authorized to bring suit in Texas. Plaintiff is not registered as a foreign corporation with the state of Texas, and thus, is not a proper plaintiff. HTC is without knowledge as to the remainder of the paragraph.
2. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 2.
3. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 3.
4. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 4.

5. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 5.

6. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 6.

7. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 7.

8. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 8.

9. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 9.

10. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 10.

11. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 11.

12. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 12.

13. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 13.

14. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 14.

15. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 15.

16. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 16.

17. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 17.

18. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 18.

19. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 19.

20. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 20.

21. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 21.

22. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 22.

23. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 23.

24. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 24.

25. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 25.

26. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 26.

27. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 27.

28. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 28.

29. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 29.

30. HTC denies the allegations in paragraph 30 as it relates to the “HTC Corporation” answering here and served in this suit. It further states that the HTC Corporation served in the above matter was an oilfield supply company, incorporated in Texas, that specialized in drill bits and merged into another oilfield company. Neither Texas entity has anything to do with cell phones or cell phone technology. It did not do business in California, and thus, it appears that the allegations relate to a different, and unrelated, “HTC Corporation.” *See* Exhibits A & B.

31. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 31.

32. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 32.

33. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 33.

34. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 34

35. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 35.

36. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 36.

37. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 37.

38. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 38.

39. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 39.

40. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 40.

41. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 41.

42. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 42.

43. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 43.

44. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 44.

45. No admission or denial is necessary in response to this paragraph because the nature of the allegations speak for themselves. To the extent necessary, HTC denies that the allegations stated herein assert valid claims under the acts cited.

46. HTC denies the allegations contained in paragraph 46.

47. HTC denies the allegations contained in paragraph 47.

48. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 48.

49. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 49.

50. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 50.

51. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 51.

52. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 52.

53. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 53.

54. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 54.

55. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 55.

56. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 56.

57. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 57.

58. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 58.

59. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 59.

60. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 60.

61. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 61.

62. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 62.

63. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 63.

64. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 64.

65. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 65.

66. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 66.

67. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 67.

68. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 68.

69. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 69.

70. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 70.

71. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 71.

72. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 72.

73. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 73.

74. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 74.

75. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 75.

76. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 76.

77. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 77.

78. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 78.

79. HTC denies the allegations contained in paragraph 79. The HTC Corporation served in this matter was known as "Hick's Tool Company" and was an oilfield supply company that specialized in drill bits and merged into another company in 2001. Neither company has anything to do with cell phones or cell phone technology.



80. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 80.

81. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 81.

82. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 82.

83. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 83.

84. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 84.

85. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 85.

86. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 86.

87. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 87.

88. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 88.

89. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 89.

90. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 90.

91. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 91.

92. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 92.

93. HTC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 93.

94. HTC denies the allegations contained in paragraph 94.

95. HTC denies the allegation contained in paragraph 95.

96. HTC denies the allegation contained in paragraph 96.

97. HTC denies the allegations contained in paragraph 97.

98. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 1.

99. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 2.

100. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 3.

101. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 4.

102. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 5.

103. HTC denies that Minerva is entitled to the relief requested in its Prayer for Relief paragraph 6.

WHEREFORE, Defendant HTC Corporation prays that Plaintiff take nothing against it, that the suit against HTC Corporation be dismissed, and that this Defendant recover such other and further relief as the Court deems just, including costs for answering this suit after informing counsel that it served the incorrect "HTC" and counsel failed to timely dismiss.

Respectfully submitted,

**DAVIS, GERALD & CREMER**  
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By: \_\_\_\_\_



David H. Smith  
State Bar No. 00794652

ATTORNEYS FOR HTC CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of November 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to all counsel of record who are deemed to have consented to electronic service. All other counsel were served via U.S. First Class Mail.

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David H. Smith

