## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

MINERVA INDUSTRIES, INC.,

Case 2:07-cv-00229-TJW

Civil Action No: 2-07 CV-229

Filed 01/25/2008

Plaintiff,

The Honorable T. John Ward **United States District Judge** 

V.

MOTOROLA, INC., et al.

Defendants.

AND RELATED COUNTERCLAIMS.

# MINERVA INDUSTRIES, INC.'S REPLY

## TO PALM, INC.'S COUNTERCLAIMS

Plaintiff Minerva Industries, Inc. files this Reply to Palm, Inc.'s Counterclaims and alleges as follows:

#### **PARTIES**

- 1. Plaintiff Minerva Industries, Inc. ("Minerva") admits the allegations in paragraph 1 of Palm, Inc.'s ("Palm") Counterclaims ("Counterclaims").
  - 2. Minerva admits the allegations in paragraph 2 of the Counterclaims.

## JURISDICTION AND VENUE

- 3. Minerva admits the allegations in paragraph 3 of the Counterclaims.
- 4. Minerva admits the allegations in paragraph 4 of the Counterclaims.
- 5. Minerva admits the allegations in paragraph 5 of the Counterclaims.

#### **FACTS**

- 6. Minerva admits the allegations in paragraph 6 of the Counterclaims.
- 7. Minerva admits the allegations in paragraph 7 of the Counterclaims.
- 8. Minerva admits the allegations in paragraph 8 of the Counterclaims.

#### FIRST COUNTERCLAIM

### (Non-Infringement)

- 9. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 8 above as if fully set forth herein.
  - 10. Minerva denies the allegations in paragraph 10 of the Counterclaims.
  - 11. Minerva denies the allegations in paragraph 11 of the Counterclaims.

## SECOND COUNTERCLAIM

## (Invalidity)

- 12. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 11 above as if fully set forth herein.
  - 13. Minerva denies the allegations in paragraph 13 of the Counterclaims.
  - 14. Minerva denies the allegations in paragraph 14 of the Counterclaims.

### THIRD COUNTERCLAIM

### (Unenforceability)

- 15. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 14 above as if fully set forth herein.
  - 16. Minerva denies the allegations in paragraph 16 of the Counterclaims.
  - 17. Minerva denies the allegations in paragraph 17 of the Counterclaims.

#### PRAYER FOR RELIEF

Minerva denies that Palm is entitled to any relief requested in the Prayer for Relief in its Counterclaims, or any other relief whatsoever.

Dated: January 25, 2008

By: /s/ Marc A. Fenster

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 25, 2008. Any other counsel of record will be served via First Class U.S. Mail on this same date.

By: /s/ Marc A. Fenster