Civil Action No: 2-07 CV-229

The Honorable T. John Ward

**United States District Judge** 

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

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

AND RELATED COUNTERCLAIMS.

## **MINERVA INDUSTRIES, INC.'S REPLY**

## TO HEWLETT-PACKARD COMPANY'S COUNTERCLAIMS

Plaintiff Minerva Industries, Inc. files this Reply to Hewlett-Packard Company's Counterclaims and alleges as follows:

Plaintiff Minerva Industries, Inc. ("Minerva") admits the allegations in paragraph
108 of Hewlett-Packard Company's ("HP") Counterclaims ("Counterclaims").

2. Minerva admits the allegations in paragraph 109 of the Counterclaims.

3. Minerva admits the allegations in paragraph 110 of the Counterclaims.

4. Minerva admits the allegations in paragraph 111 of the Counterclaims.

5. Minerva admits the allegations in paragraph 112 of the Counterclaims.

## FIRST COUNTERCLAIM

6. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 5 above as if fully set forth herein.

- 7. Minerva admits the allegations in paragraph 114 of the Counterclaims.
- 8. Minerva denies the allegations in paragraph 115 of the Counterclaims.

#### SECOND COUNTERCLAIM

9. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 8 above as if fully set forth herein.

- 10. Minerva admits the allegations in paragraph 117 of the Counterclaims.
- 11. Minerva denies the allegations in paragraph 118 of the Counterclaims.

### PRAYER FOR RELIEF

Minerva denies that HP 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