

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

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

**Civil Action No: 2-07 CV-229**

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

AND RELATED COUNTERCLAIMS.

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

**TO DEFENDANTS' FIRST AMENDED COUNTERCLAIMS**

Plaintiff Minerva Industries, Inc. files this Reply to the First Amended Counterclaims of HTC America, Inc.; Kyocera Wireless Corp.; LG Electronics MobileComm U.S.A., Inc.; Motorola, Inc.; Nokia, Inc.; Samsung Telecommunications America LLC; Alltel Communications, Inc.; AT&T Mobility, LLC; Dobson Cellular Systems, Inc.; HELIO LLC; MetroPCS, Wireless, Inc.; T-Mobile USA, Inc.; TracFone Wireless, Inc.; and Virgin Mobile USA, LP (collectively, "Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff Minerva Industries, Inc. ("Minerva") admits the allegations in paragraph 1 of Defendants' First Amended Counterclaims ("Counterclaims").
2. Minerva admits the allegations in paragraph 2 of the Counterclaims.
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.
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.
9. Minerva admits the allegations in paragraph 9 of the Counterclaims.
10. Minerva admits the allegations in paragraph 10 of the Counterclaims.
11. Minerva admits the allegations in paragraph 11 of the Counterclaims.
12. Minerva admits the allegations in paragraph 12 of the Counterclaims.
13. Minerva admits the allegations in paragraph 13 of the Counterclaims.
14. Minerva admits the allegations in paragraph 14 of the Counterclaims.
15. Minerva admits the allegations in paragraph 15 of the Counterclaims.

#### **JURISDICTION AND VENUE**

16. Minerva admits the allegations in paragraph 16 of the Counterclaims.
17. Minerva admits the allegations in paragraph 17 of the Counterclaims.

#### **DECLARATORY JUDGMENT**

18. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 17 above as if fully set forth herein.

19. Minerva denies the allegations in paragraph 2 [sic, 19] of the Counterclaims.
20. Minerva denies the allegations in paragraph 3 [sic, 20] of the Counterclaims.
21. Minerva admits the allegations in paragraph 4 [sic, 21] of the Counterclaims.

#### **ATTORNEYS' FEES AND COSTS**

22. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 21 above as if fully set forth herein.

23. Minerva denies the allegations in paragraph 2 [sic, 23] of the Counterclaims.

**DEFENDANTS' PRAYER FOR RELIEF**

Minerva denies that Defendants are entitled to any relief requested in the Prayer for Relief in their Counterclaims, or any other relief whatsoever.

Dated: April 6, 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 April 7, 2008. Any other counsel of record will be served via First Class U.S. Mail on this same date.

By:   
Linda P. Ahles