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

API TECHNOLOGIES, LLC,	§ § § §	
Plaintiff,	§ §	**Civil Action No. 2:09-CV-147**
v.	§ §	
FACEBOOK, INC., et al,	§ § §	**JURY TRIAL DEMANDED**
Defendants.	§ § §	

API TECHNOLOGIES, LLC'S ANSWER TO
DEFENDANTS GOOGLE, INC. AND ANDROID, INC.'S COUNTERCLAIMS

Plaintiff API Technologies, LLC answers Defendants Google, Inc and Android, Inc.'s (collectively, "Google/Android") Counterclaims, filed on August 21, 2009, as follows:

PARTIES, JURISDICTION, AND VENUE

1.   Admitted.

2.   Admitted.

3.   API admits that it is a Texas Limited Liability Company with its principal place of business at 207C N. Washington Street, Marshall, Texas.

4.   API admits that it is the owner by assignment of United States Patent No. 6,859,699 ("the '699 Patent") and holds all rights and interests in the patent.

5.   API admits that Google/Android purports to seek Declaratory Relief under 28 U.S.C. §§ 1338, 2201 and 2202, but denies that Google/Android is entitled to such a

judgment or any further relief. Further, API admits that venue for Google/Android's Counterclaims is appropriate under 28 U.S.C. §§ 1391(b) & (c) and 1400(b). Except as so admitted, the remaining allegations in paragraph 5 are denied.

6.   Admitted.

7.   Admitted.

FIRST COUNTERCLAIM
(Declaratory Judgment of Noninfringement)

8.   API incorporates by reference paragraphs 1 through 7 of this Answer as if fully set forth herein in response to the allegations of paragraph 8 of Google/Android's Counterclaims.

9.   Admitted.

10.   Denied.

11.   Denied.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity)

12.   API incorporates by reference paragraphs 1 through 11 of this Answer as if fully set forth herein in response to the allegations of paragraph 12 of Google/Android's Counterclaims.

13.   Admitted.

14.   Denied.

15.   Denied

JURY DEMAND

Google/Android's Jury Demand is an averment to which no responsive pleading is required pursuant to Federal Rule of Civil Procedure 8(d).

PRAYER FOR RELIEF

Google/Android's Prayer for Relief is an averment to which no responsive pleading is required pursuant to Federal Rule of Civil Procedure 8(d) and is therefore denied.

Dated: September 14, 2009

Respectfully submitted,

BUSTAMANTE, P.C.

By: \s\ John M. Bustamante
    John M. Bustamante
    Texas Bar No. 24040618
    BUSTAMANTE, P.C.
    54 Rainey Street, No. 721
    Austin, Texas 78701
    Tel. 512.940.3753
    Fax. 512.551.3773
    jmb@BustamanteLegal.com

Andrew W. Spangler
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

Marc A Fenster
mfenster@raklaw.com
Andrew D Weiss
aweiss@raklaw.com
Russ August & Kabat
12424 Wilshire Boulevard
12th Floor
Los Angeles, CA 90025
310/826-7474
Fax: 310/826-6991

Tyler Kendall Brochstein
Brochstein Law Firm, PLLC
2820 McKinnon St.
Ste. 4063
Dallas, TX 75201
713-320-1456
Fax: 208-460-0603
tyler@brochlaw.com

Attorneys for Plaintiff
API Technologies, LLC

CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served this 14th day of September, 2009, with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

\s\ John M. Bustamante
John M. Bustamante