

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

MICROUNITY SYSTEMS ENGINEERING,
INC., a California corporation,

Plaintiff,

v.
ACER INC., *et al.*

Defendants.

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Civil Action No. 2:10-cv-000185
TJW-CE

PLAINTIFF'S ANSWER TO DEFENDANT APPLE INC.'S COUNTERCLAIMS

Plaintiff MicroUnity Systems Engineering, Inc. ("MicroUnity") files its answer to the Counterclaims stated by defendant Apple, Inc. ("Apple") in its *Answer to MicroUnity's Complaint for Patent Infringement and Counterclaims*, filed August 11, 2010. MicroUnity denies the allegations in Apple's Counterclaims unless expressly admitted in the following paragraphs.

JURISDICTION AND VENUE

1. MicroUnity admits the allegations of paragraph 46.
2. MicroUnity admits the allegations of paragraph 47.
3. In response to the allegations of paragraph 48, MicroUnity admits that these counterclaims arise under the United States patent laws and that they seek declaratory relief.
4. MicroUnity admits the allegations of paragraph 49.

FACTS CONCERNING UNITED STATES PATENT NO. 5,742,840 C1

5. MicroUnity admits the allegations of paragraph 50.

FACTS CONCERNING UNITED STATES PATENT NO. 5,794,061 C1

6. MicroUnity admits the allegations of paragraph 51.

COUNT ONE – UNITED STATES PATENT NO. 5,742,840 C1 – DECLARATION OF NONINFRINGEMENT

7. In response to the allegations of paragraph 52, MicroUnity repeats and realleges its responses to the allegations in paragraphs 1 through 51 as if fully set forth herein.

8. In response to the allegations of paragraph 53, MicroUnity admits that a justiciable controversy exists between the parties regarding Apple's infringement of the '840 patent and denies the rest of the allegations.

9. MicroUnity denies the allegations of paragraph 54.

10. MicroUnity denies the allegations of paragraph 55.

COUNT TWO – UNITED STATES PATENT NO. 7,730,287 B1 – DECLARATION OF NONINFRINGEMENT

11. In response to the allegations of paragraph 56, MicroUnity repeats and realleges its responses to the allegations in paragraphs 46 through 55 as if fully set forth herein.

12. In response to the allegations of paragraph 57, MicroUnity admits that a justiciable controversy exists between the parties regarding Apple's infringement of the '287 patent and denies the rest of the allegations.

13. MicroUnity denies the allegations of paragraph 58.

14. MicroUnity denies the allegations of paragraph 59.

COUNT THREE – UNITED STATES PATENT NO. 5,742,840 C1 – DECLARATION OF INVALIDITY

15. In response to the allegations of paragraph 60, MicroUnity repeats and realleges its responses to the allegations in paragraphs 46 through 59 as if fully set forth herein.

16. In response to the allegations of paragraph 61, MicroUnity admits that a justiciable controversy exists between the parties with respect to the validity of the claims of the '840 Patent and denies the rest of the allegations.

17. MicroUnity denies the allegations of paragraph 62.

18. MicroUnity denies the allegations of paragraph 63.

COUNT FOUR – UNITED STATES PATENT NO. 7,730,287 B1 – DECLARATION OF INVALIDITY

19. In response to the allegations of paragraph 64, MicroUnity repeats and realleges its responses to the allegations in paragraphs 46 through 63 as if fully set forth herein.

20. In response to the allegations of paragraph 65, MicroUnity admits that a justiciable controversy exists between the parties with respect to the validity of the claims of the '287 Patent and denies the rest of the allegations.

21. MicroUnity denies the allegations of paragraph 66.

22. MicroUnity denies the allegations of paragraph 67.

REQUEST FOR RELIEF

Therefore, MicroUnity requests the following relief:

- a. that the Court enter a judgment in favor of MicroUnity on all claims asserted against it by Apple
- b. that the Court award MicroUnity its attorneys' fees and costs of court, together pre-judgment and post-judgment interest in the maximum amount provided by law; and
- c. that the Court award MicroUnity all other relief to which it may be entitled.

DATED: September 1, 2010

Respectfully Submitted,

/s/ Joseph S. Grinstein
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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Joseph S. Grinstein
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