

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

WIRELESS RECOGNITION  
TECHNOLOGIES LLC,

Plaintiff,

v.

1. A9.COM, INC.,
  2. AMAZON.COM, INC.,
  3. GOOGLE, INC.,
  4. NOKIA, INC.
- and
5. RICOH INNOVATIONS, INC.

Defendants.

CIVIL ACTION NO. 2:10-cv-364 (TJW)

**ANSWER OF NOKIA INC. TO WIRELESS RECOGNITION TECHNOLOGIES  
LLC'S COMPLAINT FOR PATENT INFRINGEMENT**

To the extent any response is required to the unnumbered preamble of the Complaint for Patent Infringement ("Complaint"): Denied.

Nokia Inc. ("Nokia") hereby responds to the numbered paragraphs of the Complaint with the following corresponding paragraphs.

**NATURE OF THE ACTION**

1. To the extent any response is required: Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff has alleged an action for patent infringement.

**PARTIES**

2. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

3. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

4. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

5. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

6. Denied, except that Nokia is a Delaware corporation, and has appointed National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904 as its registered agent in Delaware.

7. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

#### **JURISDICTION AND VENUE**

8. To the extent any response is required: Denied, except that Plaintiff has alleged an action arising under certain provisions of Title 35 of the United States Code.

9. As to Nokia: Denied, except that for the purposes of this action only, Nokia does not contest that venue over this action is proper in this district. As to Defendants other than Nokia: Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

10. As to Nokia: Denied, except that Nokia for purposes of this action only, Nokia does not contest that jurisdiction lies in this district. As to Defendants other than Nokia: Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

### **ANSWER TO COUNT I**

11. To the extent any response is required: Nokia restates its responses to the above paragraphs 1-8 of this Answer as if fully set forth herein.

12. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff avers Exhibit A to the Complaint is a true and complete copy of United States Patent No. 7,392,287 (“the ‘287 patent”), entitled “Method and Apparatus for Sharing Information Using a Handheld Device,” issuing June 24, 2008, and identifying Raymond F. Ratcliff, III as the named inventor of the ‘287 patent.

13. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

14. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

15. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

16. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

### **ANSWER TO COUNT II**

17. To the extent any response is required: Nokia restates its responses to the above paragraphs 1-15 of this Answer as if fully set forth herein.

18. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff avers Exhibit A to the Complaint is a true and complete copy of the ‘287 patent, entitled “Method and

Apparatus for Sharing Information Using a Handheld Device,” issuing June 24, 2008, and identifying Raymond F. Ratcliff, III and the named inventor of the ‘287 patent.

19. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

20. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

21. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

22. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

### **ANSWER TO COUNT III**

23. To the extent any response is required: Nokia restates its responses to the above paragraphs 1-15 of this Answer as if fully set forth herein.

24. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff avers Exhibit A to the Complaint is a true and complete copy of the ‘287 patent, entitled “Method and Apparatus for Sharing Information Using a Handheld Device,” issuing June 24, 2008, and identifying Raymond F. Ratcliff, III as the named inventor of the ‘287 patent.

25. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

26. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

27. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

28. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

**ANSWER TO COUNT IV**

29. To the extent any response is required: Nokia restates its responses to the above paragraphs 1-15 of this Answer as if fully set forth herein.

30. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff avers Exhibit A to the Complaint is a true and complete copy of the '287 patent, entitled "Method and Apparatus for Sharing Information Using a Handheld Device," issuing June 24, 2008, and identifying Raymond F. Ratcliff, III as the named inventor of the '287 patent.

31. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

32. Denied.

33. Denied.

34. Denied.

**ANSWER TO COUNT V**

35. To the extent any response is required: Nokia restates its responses to the above paragraphs 1-15 of this Answer as if fully set forth herein.

36. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments, except that Plaintiff avers Exhibit A to the Complaint is a true and complete copy of the '287 patent, entitled "Method and

Apparatus for Sharing Information Using a Handheld Device,” issuing June 24, 2008, and identifying Raymond F. Ratcliff, III as the named inventor of the ‘287 patent.

37. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

38. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

39. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

40. Denied, because Nokia is without knowledge or information sufficient to form a belief as to the truth of the averments.

**RESPONSE TO PRAYER FOR RELIEF**

41. To the extent any response is required to any paragraph of Plaintiff’s Prayer for Relief, including without limitation its unnumbered paragraph and paragraphs it has labeled 1-5: Denied.

**RESPONSE TO DEMAND FOR JURY TRIAL**

42. To the extent that any response is required to Plaintiff’s demand for a jury trial: Denied.

## **DEFENSES**

43. Pursuant to Federal Rule of Civil Procedure 8(b) and (c), without assuming any burden that it would not otherwise bear, without reducing or removing Plaintiff's burdens of proof on its affirmative claims against Nokia, reserving its right to assert additional defenses and/or affirmative defenses, and affirmatively solely to the extent deemed necessary by the Court to maintain any or all of the following defenses, Nokia asserts the following defenses and/or affirmative defenses to Plaintiff's Complaint:

### **FIRST DEFENSE**

44. Nokia does not and has not infringed any valid and enforceable claim of the '287 Patent literally, under the doctrine of equivalents, directly, indirectly, contributorily, by way of inducement, and/or via any other mechanism of liability.

### **SECOND DEFENSE**

45. Each of the claims of the '287 patent is invalid and/or unenforceable for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation, for example, Sections 101, 102, 103, and 112.

### **THIRD DEFENSE**

46. Plaintiff's claims for patent infringement are precluded in whole or in part (i) to the extent that any allegedly infringing products or components thereof are supplied, directly or indirectly, to Nokia by any entity or entities having express or implied licenses to the '287 patent and/or (ii) under the doctrine of patent exhaustion.

### **FOURTH DEFENSE**

47. Plaintiff is barred in whole or in part under principles of equity, including without limitation, laches, prosecution laches, waiver, estoppel, and/or unclean hands.

**FIFTH DEFENSE**

48. Any claim by Plaintiff for damages is limited under 35 U.S.C. §§ 286 or 287. Plaintiff is barred under 35 U.S.C. § 287 from recovering damages prior to the date of the filing of the Complaint. Plaintiff is barred by 35 U.S.C. § 288 from recovering costs associated with its action.

**SIXTH DEFENSE**

49. Plaintiff has failed to provide adequate evidence of ownership of the '287 patent.

**SEVENTH DEFENSE**

50. Plaintiff lacks standing to bring suit for alleged infringement of the '287 patent.

**EIGHTH DEFENSE**

51. Plaintiff is not entitled to injunctive relief under any theory, including without limitation, because any alleged injury to Plaintiff is not immediate or irreparable, Plaintiff has an adequate remedy at law, and/or public policy concerns weigh against any injunctive relief.

**NINTH DEFENSE**

52. Plaintiff has failed to state a claim upon which relief can be granted.

**PRAYER FOR RELIEF**

WHEREFORE, Nokia respectfully requests a judgment against Plaintiff as follows:



- A. that Plaintiff take nothing by its Complaint in this action;
- B. that the Court enter judgment against Plaintiff and in favor of Nokia, and that the Complaint in this action be dismissed with prejudice;
- C. that the Court enter a declaratory judgment that Nokia does not infringe any claim of the '287 patent;
- D. that the Court enter a declaratory judgment that the claims of the '287 patent are invalid and/or void;
- E. that the Court declare this is an exceptional case under 35 U.S.C. § 285 and award Nokia its costs and attorneys' fees; and
- F. that the Court award Nokia any and all other relief to which it may be entitled, or which the Court deems just and proper.

November 11, 2010

Respectfully submitted,

/s/ Michael C. Smith

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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) this the 11<sup>th</sup> day of November, 2010.

*/s/ Michael C. Smith*

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Michael C. Smith