

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

WIRELESS RECOGNITION
TECHNOLOGIES, LLC,

Plaintiff,

v.

A9.COM, INC.,
AMAZON.COM, INC.,
GOOGLE, INC.,
NOKIA CORPORATION,
NOKIA, INC.
and
RICOH COMPANY, LTD., and
RICOH INNOVATIONS, INC.

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

C.A. No. 2:10-cv-00364-TJW-CE

JURY TRIAL DEMANDED

**WIRELESS RECOGNITION TECHNOLOGIES’ ANSWER
TO GOOGLE INC.’S COUNTERCLAIMS**

Plaintiff Wireless Recognition Technologies, LLC ("WRT") submits this Answer to the numbered paragraphs of Google, Inc.’s ("Google") Counterclaims (D.I. 28):

THE PARTIES

55. WRT admits the allegations in paragraph 55 of the Counterclaims.

56. WRT admits the allegations in paragraph 56 of the Counterclaims.

JURISDICTION AND VENUE

57. WRT admits the allegations in paragraph 57 of the Counterclaims.

58. WRT admits the allegations in paragraph 58 of the Counterclaims.

BACKGROUND

59. WRT admits the allegations in paragraph 59 of the Counterclaims.

60. WRT admits that Google has denied infringement of U.S. Patent No. 7,392,287 (“the ‘287 patent”) and that Google asserts that the ‘287 patent is invalid. WRT denies that Google does not infringe the ‘287 patent and denies that the ‘287 patent is invalid.

61. WRT admits the allegations in paragraph 61 of the Counterclaims.

COUNT ONE

(Declaratory Judgment – Invalidity of the ‘287 Patent)

62. WRT incorporates by references its responses to Paragraphs 55-61; as to Paragraphs 1-41, Google appears to be incorporating by reference its responses to the allegations set forth in WRT’s Complaint and via Paragraphs 42-54, Google’s Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that Google may contend are incorporated by reference into Paragraph 64 of its Counterclaims.

63. WRT denies the allegations in paragraph 63 of the Counterclaims.

COUNT TWO

(Declaratory Judgment – No Infringement of the ‘287 Patent)

64. WRT incorporates by references its responses to Paragraphs 55-63; as to Paragraphs 1-41, Google appears to be incorporating by reference its responses to the allegations set forth in WRT’s Complaint and via Paragraphs 42-54, Google’s Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that Google may contend are incorporated by reference into Paragraph 64 of its Counterclaims.

65. WRT denies the allegations in paragraph 65 of the Counterclaims.

COUNT THREE

(Declaratory Judgment – Unenforceability of the ‘287 Patent)

66. WRT incorporates by references its responses to Paragraphs 55-63; as to Paragraphs 1-41, Google appears to be incorporating by reference its responses to the allegations set forth in WRT's Complaint and via Paragraphs 42-54, Google's Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that Google may contend are incorporated by reference into Paragraph 66 of its Counterclaims.

67. WRT denies the allegations in paragraph 67 of the Counterclaims.

68. Paragraph 68 of the Counterclaims is an improper reservation of rights to which no response is necessary. WRT denies any remaining allegations in paragraph 68 of the Counterclaims.

RESPONSE TO GOOGLE'S PRAYER FOR RELIEF

WRT denies that Google is entitled to any of the relief request in its Prayer for Relief.

RESPONSE TO GOOGLE'S DEMAND FOR JURY TRIAL

No response is necessary.

WRT'S PRAYER FOR RELIEF

In addition to the relief requested in its Complaint, WRT respectfully requests a judgment against Google:

- A. That Google take nothing by its Counterclaims;
- B. That the Court award WRT all costs and attorneys' fees incurred in defending against Google's Counterclaims; and
- C. Any and all further relief that the Court deems just and proper.

Dated: December 6, 2010

Respectfully Submitted,

By: /s/ William E. Davis, III
William E. Davis, III
Texas State Bar No. 24047416
THE DAVIS FIRM P.C.
111 W. Tyler St.
Longview, TX 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661
E-mail: bdavis@bdavisfirm.com

Of Counsel
Cameron H. Tousi
David M. Farnum
Ralph P. Albrecht
ALBRECHT TOUSI & FARNUM PLLC
1701 Pennsylvania Ave, NW Ste 300
Washington, D.C. 20006
Tel: (202) 349-1490
Fax: (202) 318-8788

**ATTORNEYS FOR PLAINTIFF
WIRELESS RECOGNITION
TECHNOLOGIES LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 6th day of December, 2010.

/s/ William E. Davis, III
William E. Davis, III