

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

INNOVATIVE SONIC LIMITED, a Mauritian
Corporation,

Plaintiff,

v.

RESEARCH IN MOTION LTD., a Canadian
Corporation, and RESEARCH IN MOTION
CORPORATION, a Delaware Corporation,

Defendants.

CIVIL ACTION NO. 6:10-CV-455 MHS

JURY TRIAL DEMANDED

AND RELATED COUNTERCLAIM

**PLAINTIFF AND COUNTER-DEFENDANT INNOVATIVE SONIC LIMITED'S
RESPONSE TO DEFENDANTS AND COUNTERCLAIMANTS' COUNTERCLAIMS**

Plaintiff Innovative Sonic Limited ("Innovative Sonic") hereby answers the Counterclaims brought by Defendants and Counterclaimants Research In Motion Limited and Research In Motion Corporation (collectively, "Defendants") in their Answer and Counterclaims filed on December 14, 2010. Each of the paragraphs below corresponds to the same-numbered paragraphs of Defendants' Counterclaims. Innovative Sonic denies all allegations in Defendants' Counterclaims whether express or implied, that are not specifically admitted below.

PARTIES

1. Based on Defendants' admission in their Answer, Innovative Sonic admits that Research In Motion Limited is a Canadian corporation, with a principle place of business in Waterloo, Canada.

2. Based on Defendants' admission in their Answer, Innovative Sonic admits that Research In Motion Corporation is a Delaware corporation, with a principle place of business in Irving, Texas.

3. Admitted.

JURISDICTION AND VENUE

4. Innovative Sonic admits that 35 U.S.C. §§ 1 *et seq.* are directed to the patent laws of the United States and that 28 U.S.C. §§ 2201 and 2202 are directed to the Declaratory Judgment Act. Innovative Sonic admits that Defendants purport to seek this Court's subject matter jurisdiction over their counterclaims under 28 U.S.C. §§ 1331, 1338, 2201 and 2202. All other averments of paragraph 4 of the Counterclaims are denied.

5. Innovative Sonic admits that this Court has personal jurisdiction over Innovative Sonic with respect to Defendants' counterclaims presently asserted in this action. All other averments of paragraph 5 of the Counterclaims are denied.

6. Innovative Sonic admits that venue is proper under, *inter alia*, 28 U.S.C. § 1391(b)(2). Innovative Sonic denies that venue is proper under 28 U.S.C. § 1391(c) because this section of the statute merely describes the circumstances under which a defendant will be found to reside within a district. All other averments of paragraph 6 of the Counterclaims are denied.

COUNT I

Declaratory Judgment of Non-infringement of U.S. Patent Nos. 6,925,183, RE 40,077 and 7,436,795

7. No response to the averments of paragraph 7 of the Counterclaims is required.

8. Innovative Sonic admits that an actual controversy exists with respect to infringement of U.S. Patent Nos. 6,925,183, RE 40,077 and 7,436,795 (“’183 Patent,” “’007 Patent ” and “’795 Patent”).

9. Denied.

10. Innovative Sonic admits that a judicial determination of the respective rights of the parties with respect to the infringement of the claims of the ’183, ’077 and ’705 Patents is appropriate. All other averments of paragraph 10 of the Counterclaims are denied.

COUNT II

Declaratory Judgment of Invalidity of the ’183 Patent, the ’077 Patent and the ’795 Patent

11. No response to the averments of paragraph 11 of the Counterclaims is required.

12. Innovative Sonic admits that Defendants have raised concerns regarding the validity of the ’183, ’077 and ’795 Patents as an Affirmative Defense in Defendants’ response to Innovative Sonic’s Complaint for patent infringement. All other averments of paragraph 12 of the Counterclaims are denied.

13. Denied.

14. Innovative Sonic admits that Defendants purport to seek a judicial determination of the respective rights of the parties with respect to the validity of the claims of the ’183, ’077 and ’705 Patents. All other averments of paragraph 14 of the Counterclaims are denied.

PRAYER FOR RELIEF

WHEREFORE, Innovative Sonic prays for the following relief against Defendants’ Counterclaims:

A. That Defendants’ Counterclaims against Innovative Sonic be dismissed with prejudice and that Defendants’ requests for declaratory relief be denied;

B. Entry of judgment holding Defendants liable for infringement of one or more claims of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;

C. An order permanently enjoining Defendants, its officers, agents, servants, employees, attorneys, affiliated companies, its assigns and successors in interest, and those acting in privity, active concert, or in participation with them, from continued acts of infringement, contributory infringement and/or inducing infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;

D. An order awarding Innovative Sonic damages resulting from Defendants' infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795, together with prejudgment and post-judgment interest, in an amount according to proof;

E. Trebling of damages under 35 U.S.C. § 284 in view of the willful and deliberate nature of Defendants' infringement of United States Patent Nos. 6,925,183, RE 40,077, and 7,436,795;

F. An order awarding Innovative Sonic its costs and attorneys' fees under 35 U.S.C. § 285; and

G. Any and all other legal and equitable relief as may be available under the law and which the Court may deem just and proper.

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Dated: January 7, 2011

Respectfully submitted,

/s/ Ronald S. Lemieux

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this the 7th day of January, 2011.

/s/ Ronald S. Lemieux

Ronald S. Lemieux

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