

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNILOC USA, INC., et al.

Plaintiffs,

v.

NATIONAL INSTRUMENTS CORP., et al.

Defendants.

Civ. Action No.: 6:10-cv-00472

JURY TRIAL DEMANDED

**PLAINTIFFS' REPLY TO COUNTERCLAIMS OF DEFENDANT SYMANTEC
CORPORATION**

Plaintiffs Uniloc USA, Inc. and Uniloc (Singapore) Private Limited (collectively, "Uniloc") reply to the counterclaims of Defendant Symantec Corporation as follows:

COUNTERCLAIMS

PARTIES

1. Admit.
2. Admit.
3. Admit.
4. Admit.

JURISDICTION AND VENUE

5. Admit.
6. Admit.
7. Admit.
8. Admit.

9. Admit.

10. Admit, among other purposes.

11. Admit that Symantec denies Uniloc's claims, but deny Symantec's allegations.

12. Admit.

13. Admit that venue is proper.

14. Admit.

COUNTERCLAIM ONE

15. Uniloc incorporates its responses to paragraphs 1-14 above as if fully set forth herein.

16. Admit.

17. Deny.

18. Admit that a real and justiciable controversy has arisen between Uniloc and Symantec concerning the infringement of the '216 patent.

19. Deny.

20. Deny.

COUNTERCLAIM TWO

21. Uniloc incorporates its responses to paragraphs 1-20 above as if fully set forth herein.

22. Admit that a real and justiciable controversy has arisen between Uniloc and Symantec concerning the validity of the '216 patent.

23. Deny.

24. Admit that there is currently an *ex parte* reexamination proceeding of the '216 patent (control number 90/010,831) in progress in the United States Patent and Trademark Office.

Deny the remainder of the allegations.

25. Deny.

AFFIRMATIVE DEFENSES

26. Symantec is barred from relief by the doctrines of waiver, estoppels, laches, unclean hands and/or other equitable defenses.

27. Symantec's counterclaims fail to state a claim upon which relief can be granted.

28. Uniloc reserves the right to assert other affirmative defenses as it may discover or appreciate during this proceeding.

PRAYER FOR RELIEF

WHEREFORE, Uniloc respectfully requests the Court:

- A. Enter judgment in favor of Uniloc on all counts of the counterclaims;
- B. Dismiss Symantec's counterclaims with prejudice;
- C. Deny all relief requested in Symantec's counterclaims and prayer for relief;
- D. Declare this case exceptional and award Uniloc its attorney's fees, expenses, and costs incurred in defending Symantec's counterclaims; and
- E. Award Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial of all issues so triable.

Dated: August 5, 2011.

Respectfully Submitted,

/s/ Edward R. Nelson, III

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 5, 2011, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson, III

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