

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

**UNILOC USA, INC. and
UNILOC SINGAPORE PRIVATE LIMITED,**

Plaintiffs,

v.

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

(1) NATIONAL INSTRUMENTS CORP.;
(2) PERVASIVE SOFTWARE, INC.;
(3) ADOBE SYSTEMS INC.;
(4) FILEMAKER, INC.;
(5) SAFENET, INC.;
(6) CA, INC.;
(7) PINNACLE SYSTEMS, INC.;
(8) SONIC SOLUTIONS;
(9) ONYX GRAPHICS, INC.;
(10) SYMANTEC CORP.;
**(11) ALADDIN KNOWLEDGE SYSTEMS,
INC. and**
**(12) ALADDIN KNOWLEDGE SYSTEMS
LTD.**

Defendants.

JURY TRIAL DEMANDED

**PLAINTIFFS' REPLY TO COUNTERCLAIMS OF
DEFENDANT FILEMAKER, INC.**

Plaintiffs, Uniloc USA, Inc. and Uniloc Singapore Private Limited (together "Uniloc" or "Plaintiffs"), reply to the counterclaims of defendant, FileMaker, Inc. ("FileMaker"), as follows:

COUNTERCLAIMS

NATURE AND BASIS OF ACTION

1. Admitted.

PARTIES

2. Admitted.
3. Admitted.
4. Admitted.

JURISDICTION AND VENUE

5. Admitted.
6. Uniloc admits the allegations of the first sentence of paragraph 6, but denies the remaining allegations of paragraph 6.

GENERAL ALLEGATIONS

7. Admitted.
8. Admitted.
9. Uniloc admits that a justiciable controversy exists between Uniloc and FileMaker concerning the infringement and validity of the '216 patent. Uniloc denies the remaining allegations of paragraph 9.
10. Denied.

FIRST COUNTERCLAIM

(Declaration of Noninfringement)

11. Uniloc incorporates its responses to paragraphs 1-10 above as if fully set forth herein.
12. Uniloc admits that the '216 patent states, *inter alia*, the passage quote in paragraph 12.
13. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 13 and, therefore, denies them.

14. Uniloc admits that its complaint against FileMaker states, *inter alia*, as follows:

On information and belief, FileMaker has directly and/or indirectly infringed at least one claim of the '216 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing a system, device and/or method for reducing software piracy, reducing casual copying and/or reducing the unauthorized use of software, including without limitation its FileMaker Pro and FileMaker Pro Advanced products that permit customers to activate and/or register software. Pursuant to 35 U.S.C. § 271, FileMaker is thereby liable for direct and indirect infringement of the '216 patent, which infringement has caused damage, reparable and irreparable, to Uniloc. FileMaker's unlawful acts will continue unless and until its infringement is enjoined.

To the extent that any allegations of paragraph 14 are inconsistent with the foregoing, they are denied.

15. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 15 and, therefore, denies them.

16. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 16 and, therefore, denies them.

17. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 17 and, therefore, denies them.

18. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 18 and, therefore, denies them.

19. Uniloc is without sufficient information to form a belief as to the allegations of paragraph 19 and, therefore, denies them.

20. The pre-filing actions of Uniloc and its counsel are protected against disclosure by the attorney-client privilege and/or the attorney work-product doctrine. Therefore, Uniloc is not obliged to respond to the allegations of paragraph 20.

21. The pre-filing actions of Uniloc and its counsel are protected against disclosure by the attorney-client privilege and/or the attorney work-product doctrine. Therefore, Uniloc is not obliged to respond to the allegations of paragraph 21.

22. Denied.

23. Denied.

SECOND COUNTERCLAIM

(Invalidity of Patent-in-Suit)

24. Uniloc incorporates its responses to paragraphs 1-23 above as if fully set forth herein.

25. Denied.

26. Denied.

AFFIRMATIVE DEFENSES

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

28. FileMaker's counterclaims fail to state a claim upon which relief can be granted.

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

PRAYER FOR RELIEF

WHEREFORE, Uniloc requests that the Court:

- A. Enter judgment in favor of Uniloc on all counts of the counterclaims;
- B. Dismiss FileMaker's counterclaims with prejudice;
- C. Deny all relief requested in FileMaker's counterclaims and prayer for relief;

D. Declare this case exceptional and award Uniloc its attorneys' fees, expenses and costs incurred in defending against FileMaker's counterclaims; and

E. Award Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial of all issues triable of right by jury.

Respectfully submitted,

**UNILOC USA, INC. and
UNILOC SINGAPORE PRIVATE LTD.**

Date: December 10, 2010

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on December 10, 2010. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this documents through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Dean G. Bostock