

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

PARALLEL NETWORKS, LLC,

Plaintiff,

vs.

ADIDAS AMERICA, INC.; ADIDAS INTERACTIVE, INC.; AEROPOSTALE, INC.; AMERICAN GIRL, LLC; AMERICAN SUZUKI MOTOR CORPORATION; ANDERSEN CORPORATION; ANDERSEN WINDOWS, INC.; ASICS AMERICA CORPORATION; AT&T INC.; BBY SOLUTIONS, INC.; BERGDORF GOODMAN.COM, LLC; BESTBUY.COM, LLC; BLOOMINGDALE'S, INC.; BRIGGS & STRATTON CORPORATION; BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC; BRUNSWICK BILLIARDS, INC.; BRUNSWICK CORPORATION; CHICO'S RETAIL SERVICES, INC.; CITIZEN WATCH COMPANY OF AMERICA, INC.; DILLARD'S, INC.; EASTMAN KODAK COMPANY; GENERAL MOTORS LLC; THE GILLETTE COMPANY; THE GOODYEAR TIRE & RUBBER COMPANY; H-D MICHIGAN, INC.; HARLEY-DAVIDSON, INC.; HASBRO, INC.; HAYNEEDLE, INC.; HERMAN MILLER, INC.; HSN INTERACTIVE LLC; HSN LP; THE J. JILL GROUP, INC.; JILL ACQUISITION LLC; JONES INVESTMENT COMPANY, INC.; JONES RETAIL CORPORATION; KODAK IMAGING NETWORK, INC.; KOHL'S DEPARTMENT STORES, INC.; LG ELECTRONICS USA, INC.; MACY'S WEST STORES, INC.; MACYS.COM, INC.; MATTEL, INC.; MITSUBISHI MOTOR SALES OF AMERICA, INC.; MITSUBISHI MOTORS NORTH AMERICA, INC.; MOTOROLA, INC.; MOTOROLA TRADEMARK HOLDINGS, LLC; NAUTICA APPAREL, INC.; NAUTICA RETAIL USA, INC.; NAVISTAR, INC.; NEW BALANCE ATHLETIC SHOE, INC.;

Civil Action No. 6:10-cv-491

**JURY TRIAL DEMANDED**

NISSAN NORTH AMERICA, INC.; PRL USA HOLDINGS, INC.; THE PROCTER & GAMBLE COMPANY; RALPH LAUREN MEDIA LLC; RUSSELL BRANDS, LLC; SUBARU OF AMERICA, INC.; SUNGLASS HUT TRADING, LLC; VICTORIA'S SECRET; WOLVERINE WORLD WIDE, INC.; and WOMEN'S APPAREL GROUP, LLC d/b/a BOSTON APPAREL GROUP, LLC

Defendants.

**MOTOROLA, INC. AND MOTOROLA TRADEMARK HOLDINGS, LLC'S ANSWER AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT**

Defendants Motorola, Inc. and Motorola Trademark Holdings, LLC (collectively "Motorola") hereby submits its Answer to Plaintiff Parallel Networks LLC's ("Plaintiff" or "Parallel Networks") Complaint, denying Plaintiff's allegations except those which are specifically admitted herein:

## **THE PARTIES**

1. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Complaint and, on that basis, denies them.

2. The allegations of Paragraph 2 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Complaint and, on that basis, denies them.

3. The allegations of Paragraph 3 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Complaint and, on that basis, denies them.

4. The allegations of Paragraph 4 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Complaint and, on that basis, denies them.

5. The allegations of Paragraph 5 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Complaint and, on that basis, denies them.

6. The allegations of Paragraph 6 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Complaint and, on that basis, denies them.

7. The allegations of Paragraph 7 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Complaint and, on that basis, denies them.

8. The allegations of Paragraph 8 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as

to the truth of the allegations of paragraph 8 of the Complaint and, on that basis, denies them.

9. The allegations of Paragraph 9 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Complaint and, on that basis, denies them.

10. The allegations of Paragraph 10 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Complaint and, on that basis, denies them.

11. The allegations of Paragraph 11 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 of the Complaint and, on that basis, denies them.

12. The allegations of Paragraph 12 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12 of the Complaint and, on that basis, denies them.

13. The allegations of Paragraph 13 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Complaint and, on that basis, denies them.

14. The allegations of Paragraph 14 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 of the Complaint and, on that basis, denies them.

15. The allegations of Paragraph 15 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 of the Complaint and, on that basis, denies them.

16. The allegations of Paragraph 16 are not directed at Motorola and, therefore, no

answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint and, on that basis, denies them.

17. The allegations of Paragraph 17 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the Complaint and, on that basis, denies them.

18. The allegations of Paragraph 18 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Complaint and, on that basis, denies them.

19. The allegations of Paragraph 19 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 of the Complaint and, on that basis, denies them.

20. The allegations of Paragraph 20 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Complaint and, on that basis, denies them.

21. The allegations of Paragraph 21 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Complaint and, on that basis, denies them.

22. The allegations of Paragraph 22 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22 of the Complaint and, on that basis, denies them.

23. The allegations of Paragraph 23 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23 of the Complaint and, on that basis, denies them.

24. The allegations of Paragraph 24 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24 of the Complaint and, on that basis, denies them.

25. The allegations of Paragraph 25 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25 of the Complaint and, on that basis, denies them.

26. The allegations of Paragraph 26 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26 of the Complaint and, on that basis, denies them.

27. The allegations of Paragraph 27 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 27 of the Complaint and, on that basis, denies them.

28. The allegations of Paragraph 28 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 28 of the Complaint and, on that basis, denies them.

29. The allegations of Paragraph 29 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 29 of the Complaint and, on that basis, denies them.

30. The allegations of Paragraph 30 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 30 of the Complaint and, on that basis, denies them.

31. The allegations of Paragraph 31 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as

to the truth of the allegations of paragraph 31 of the Complaint and, on that basis, denies them.

32. The allegations of Paragraph 32 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32 of the Complaint and, on that basis, denies them.

33. The allegations of Paragraph 33 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33 of the Complaint and, on that basis, denies them.

34. The allegations of Paragraph 34 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 34 of the Complaint and, on that basis, denies them.

35. The allegations of Paragraph 35 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 35 of the Complaint and, on that basis, denies them.

36. The allegations of Paragraph 36 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 36 of the Complaint and, on that basis, denies them.

37. The allegations of Paragraph 37 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 37 of the Complaint and, on that basis, denies them.

38. The allegations of Paragraph 38 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 38 of the Complaint and, on that basis, denies them.

39. The allegations of Paragraph 39 are not directed at Motorola and, therefore, no

answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 39 of the Complaint and, on that basis, denies them.

40. The allegations of Paragraph 40 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 40 of the Complaint and, on that basis, denies them.

41. The allegations of Paragraph 41 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 41 of the Complaint and, on that basis, denies them.

42. The allegations of Paragraph 42 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 42 of the Complaint and, on that basis, denies them.

43. The allegations of Paragraph 43 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 43 of the Complaint and, on that basis, denies them.

44. The allegations of Paragraph 44 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 44 of the Complaint and, on that basis, denies them.

45. The allegations of Paragraph 45 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 45 of the Complaint and, on that basis, denies them.

46. Admit.

47. Admit.

48. The allegations of Paragraph 48 are not directed at Motorola and, therefore, no



answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 48 of the Complaint and, on that basis, denies them.

49. The allegations of Paragraph 49 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 49 of the Complaint and, on that basis, denies them.

50. The allegations of Paragraph 50 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 50 of the Complaint and, on that basis, denies them.

51. The allegations of Paragraph 51 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 51 of the Complaint and, on that basis, denies them.

52. The allegations of Paragraph 52 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 52 of the Complaint and, on that basis, denies them.

53. The allegations of Paragraph 53 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 53 of the Complaint and, on that basis, denies them.

54. The allegations of Paragraph 54 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 54 of the Complaint and, on that basis, denies them.

55. The allegations of Paragraph 55 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 55 of the Complaint and, on that basis, denies them.

56. The allegations of Paragraph 56 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 56 of the Complaint and, on that basis, denies them.

57. The allegations of Paragraph 57 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 57 of the Complaint and, on that basis, denies them.

58. The allegations of Paragraph 58 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 58 of the Complaint and, on that basis, denies them.

59. The allegations of Paragraph 59 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 59 of the Complaint and, on that basis, denies them.

60. The allegations of Paragraph 60 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 60 of the Complaint and, on that basis, denies them.

61. The allegations of Paragraph 61 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 61 of the Complaint and, on that basis, denies them.

### **JURISDICTION AND VENUE**

62. Motorola admits that the Complaint purports to state a claim for patent infringement, and that this Court has subject matter jurisdiction over such actions. For purpose of this action only, Motorola admits that it is subject to personal jurisdiction in this district. To the

extent that the remaining allegations of Paragraph 62 are directed to Motorola, Motorola denies the allegations in paragraph 62 and denies committing any infringing act. To the extent that the allegations in paragraph 62 are not directed to Motorola, Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 62 of the Complaint and, on that basis, denies them.

63. For purpose of this action only, Motorola admits that it is subject to personal jurisdiction in this district. To the extent that the allegations of Paragraph 63 are directed to Motorola, Motorola denies the allegations in paragraph 63 and reserves its rights to move to transfer to a more convenient venue under 28 U.S.C. § 1404, at a minimum. To the extent that the allegations in paragraph 63 are not directed to Motorola, Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 63 of the Complaint and, on that basis, denies them.

## COUNT I

### **ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,446,111**

64. Admit.

65. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 65 of the Complaint and, on that basis, denies them.

66. Motorola denies the allegations of paragraph 66 of the Complaint.

67- 238. The allegations of Paragraphs 67 – 238 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 67 – 238 of the Complaint and, on that basis, denies them.

239. Motorola denies the allegations in paragraph 239 of the complaint.

240. Motorola denies the allegations in paragraph 240 of the complaint.

241. Motorola denies the allegations in paragraph 241 of the complaint.

242. Motorola denies the allegations in paragraph 242 of the complaint.

243. Motorola denies the allegations in paragraph 243 of the complaint. Motorola further states that Motorola Trademark Holdings LLP is a trademark holding company that is unconnected to the accused [www.motorola.com](http://www.motorola.com) website other than as a holder and/or licensee of trademarks used therein and as the registered owner of the domain name motorola.com.

244. Motorola denies the allegations in paragraph 244 of the complaint. Motorola further states that Motorola Trademark Holdings LLP is a trademark holding company that is unconnected to the accused [www.motorola.com](http://www.motorola.com) website other than as a holder and/or licensee of trademarks used therein and as the registered owner of the domain name motorola.com.

245. Motorola denies the allegations in paragraph 245 of the complaint.

246. Motorola denies the allegations in paragraph 246 of the complaint.

247- 304. The allegations of Paragraphs 247- 304 are not directed at Motorola and, therefore, no answer is required. Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 247- 304 of the Complaint and, on that basis, denies them.

## **COUNT II**

### **ALLEGED WILLFUL INFRINGEMENT**

305. To the extent that the allegations of Paragraph 305 are directed to Motorola, Motorola denies the allegations in paragraph 305. To the extent that the allegations in paragraph 305 are not directed to Motorola, Motorola is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 305 of the Complaint and, on that basis, denies them.

Motorola denies that Plaintiff is entitled to any relief, including any relief as requested in Plaintiff's Prayer for Relief (a) – (g).

**AFFIRMATIVE DEFENSES**

306. Further answering Plaintiff's Complaint, Motorola hereby states its affirmative defenses pursuant to Fed.R.Civ.P. 8(c), as follows:

**FIRST AFFIRMATIVE DEFENSE**  
**(Failure to State a Claim)**

307. Plaintiff's Complaint fails to state a claim on which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**  
**(Venue)**

308. Venue in this judicial district is improper and inconvenient.

**THIRD AFFIRMATIVE DEFENSE**  
**(Non-infringement)**

309. Motorola does not directly or indirectly infringe any valid and enforceable claim of the '111 patent.

**FOURTH AFFIRMATIVE DEFENSE**  
**(Invalidity)**

310. The claims of the '111 Patent are invalid because they fail to comply with the requirements of 35 U.S.C. § 101 et seq., including, without limitation, Sections 102, 103, and/or 112.

**FIFTH AFFIRMATIVE DEFENSE**  
**(Equitable defenses)**

311. Plaintiff is barred in whole or part from recovering damages by the doctrine of laches, unclean hands, estoppel, and/or waiver.

**SIXTH AFFIRMATIVE DEFENSE**  
**(Marking)**

312. Plaintiff's claims for damages are statutorily limited or barred by 35 U.S.C. §§ 286 and/or 287. Plaintiff's claims for costs are limited pursuant to 35 U.S.C. § 288.

**SEVENTH AFFIRMATIVE DEFENSE**  
**(No Entitlement to Injunctive Relief)**

313. Plaintiff is not entitled to any injunctive relief as it has, at a minimum, no irreparable injury and an adequate remedy at law.

**COUNTERCLAIMS FOR DECLARATORY JUDGMENT**

Motorola, Inc. by its undersigned attorneys, as and for its Counterclaims against Counterclaim Defendant Parallel Networks LLC, states as follows:

**PARTIES**

1. Motorola, Inc. is a Delaware Corporation with a principle place of business at 1303 East Algonquin Road, Schaumburg, IL 60196.
2. Upon information and belief, Parallel Networks is a Texas Limited Liability Company with its place of business at 100 E. Ferguson Street, Suite 602 Tyler, Texas.

### **JURISDICTION AND VENUE**

3. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.

4. This Court has jurisdiction over these Counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201(a).

5. On information and belief, based on the assertions contained in Paragraph 1 of Parallel Network's Complaint, this Court has personal jurisdiction over Parallel Networks based on Parallel Network's residence in the State of Texas.

6. Venue over Parallel Networks is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### **EXISTENCE OF JUSTICIABLE CONTROVERSY**

7. United States Patent No. 6,446,111 ("the '111 patent") entitled "Method and Apparatus for Client-Server Communication Using a Limited Capability Client Over a Low-Speed Communications Link" issued on September 3, 2002.

8. Parallel Networks claims to be the present owner of all rights, title, and interest in and to the '111 patent.

9. Parallel Networks has brought a lawsuit against Motorola, Inc. in this judicial district alleging infringement of the '111 patent.

10. There exists a justiciable controversy between Motorola, Inc. and Parallel Networks concerning the validity and/or infringement of the '111 patent as set forth in the Complaint and Motorola, Inc.'s Answer thereto set forth herein.

**FIRST CLAIM FOR RELIEF**  
**(Declaratory Judgment of Noninfringement of the '111 Patent)**

11. Motorola, Inc. incorporates the counterclaim allegations contained in paragraphs 1-10 as though fully set forth in this paragraph.
12. Motorola, Inc. is entitled to a declaratory judgment that it has not infringed, contributed to infringement by others or induced others to infringe, and does not infringe, contribute to infringement by others or induce others to infringe any claim of the '111 Patent.

**SECOND CLAIM FOR RELIEF**  
**(Declaratory Judgment of Invalidity of the '111 Patent)**

13. Motorola, Inc. incorporates the allegations contained in counterclaim paragraphs 1-10 as though fully set forth in this paragraph.
14. Motorola, Inc. is entitled to a declaratory judgment that the claims of the '111 patent are invalid for failure to comply with one or more provisions of Title 35 of the United States Code, §§ 101 et seq. and general principles of patent law

**DEMAND FOR JURY TRIAL**

Motorola demands a jury trial of all issues triable to a jury in this action.



### **PRAYER FOR RELIEF**

WHEREFORE, Defendant Motorola requests that this Court:

- A. Enter judgment dismissing with prejudice Plaintiff's Complaint for Patent Infringement pursuant to 35 U.S.C. § 271 et seq.;
- B. Enter judgment declaring that Motorola has not infringed, contributed to the infringement of, or induced others to infringe any valid claim of the '111 patent;
- C. Enter judgment declaring that the claims of the '111 patent are invalid;
- D. Enter judgment that the Complaint, and all claims purported to be asserted therein, are barred on the ground of laches, unclean hands, estoppel, and/or waiver;
- E. Enter judgment declaring that this case is exceptional under 35 U.S.C. § 285 and an award to Motorola of its reasonable costs and expenses of litigation, including attorneys' fees and expert witness fees; and
- F. Grant Motorola such other or further relief as this Court may deem just and proper.

Dated: November 24, 2010

Respectfully Submitted,

By: /s/ Eric H. Findlay  
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ATTORNEYS FOR DEFENDANTS  
MOTOROLA, INC. AND MOTOROLA  
TRADEMARK HOLDINGS, LLC

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing MOTOROLA, INC. AND MOTOROLA TRADEMARK HOLDINGS, LLC'S ANSWER AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT has been served on all counsel of record who have consented to electronic service via the ECF-Pacer System (by email notification) on November 24, 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

/s/ Eric H. Findlay  
Eric H. Findlay