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18 Attorneys for Defendant / Counterclaim-
 Plaintiff Twitter, Inc.

19 **UNITED STATES DISTRICT COURT**

20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

22 BLACKBERRY LIMITED, a Canadian
 corporation,
 23 Plaintiff / Counterclaim-Defendant,
 24 vs.
 25 TWITTER, INC., a Delaware
 26 corporation,
 27 Defendant / Counterclaim-Plaintiff.

CASE NO. 2:19-cv-01444-GW (KSx)
**TWITTER'S ANSWER AND
 DEFENSES TO BLACKBERRY'S
 FIRST AMENDED COMPLAINT
 AND COUNTERCLAIMS**

DEMAND FOR JURY TRIAL
 Assigned to Hon. George H. Wu

28

1 **TWITTER’S ANSWER AND DEFENSES TO BLACKBERRY’S FIRST**
2 **AMENDED COMPLAINT AND COUNTERCLAIMS**

3 Defendant Twitter, Inc. (“Twitter”) hereby files its answer and defenses
4 (“Answer”) to the First Amended Complaint, Dkt. No. 36 (the “Complaint”) and
5 counterclaims. Twitter denies all allegations in the Complaint, whether express or
6 implied, that are not specifically admitted below. Twitter further denies that
7 Plaintiff is entitled to the relief requested in the Complaint, or to any other relief.

8 **ANSWER TO FIRST AMENDED COMPLAINT**

9 **FOR PATENT INFRINGEMENT**

10 **RESPONSE TO ALLEGATIONS REGARDING “SUMMARY”**

11 1. Twitter is without knowledge or information sufficient to form a belief
12 as to the truth of the allegations of Paragraph 1 of the Complaint, and on that basis,
13 denies them.

14 2. Twitter is without knowledge or information sufficient to form a belief
15 as to the truth of the allegations of Paragraph 2 of the Complaint, and on that basis,
16 denies them.

17 3. Twitter denies that this lawsuit involves any purportedly “valuable
18 intellectual property” asserted by BlackBerry. Twitter is without knowledge or
19 information sufficient to form a belief as to the truth of the remaining allegations of
20 Paragraph 3 of the Complaint, and on that basis, denies them.

21 4. Denied.

22 5. Denied.

23 6. Denied.

24 7. The documents attached to the Complaint as Exhibit I speak for
25 themselves, and Twitter denies the allegations therein. To the extent not expressly
26 admitted herein, Twitter denies the remaining allegations of Paragraph 7 of the
27 Complaint.

28

RESPONSE TO ALLEGATIONS

REGARDING “INTRODUCTION TO BLACKBERRY”

1
2
3 8. Twitter is without knowledge or information sufficient to form a belief
4 as to the truth of the allegations of Paragraph 8 of the Complaint, and on that basis,
5 denies them.

6 9. Twitter is without knowledge or information sufficient to form a belief
7 as to the truth of the allegations of Paragraph 9 of the Complaint, and on that basis,
8 denies them.

9 10. Twitter is without knowledge or information sufficient to form a belief
10 as to the truth of the allegations of Paragraph 10 of the Complaint, and on that basis,
11 denies them.

12 11. Twitter denies that this lawsuit involves any purported “innovative
13 technologies” owned by BlackBerry. Twitter is without knowledge or information
14 sufficient to form a belief as to the truth of the remaining allegations of Paragraph
15 11 of the Complaint, and on that basis, denies them.

16 12. Twitter is without knowledge or information sufficient to form a belief
17 as to the truth of the allegations of Paragraph 12 of the Complaint, and on that basis,
18 denies them.

19 13. Twitter admits that U.S. Patent Nos. 8,676,929 (the “929 Patent”);
20 8,296,351 (the “351 Patent”); 9,349,120 (the “120 Patent”); 9,021,059 (the “059
21 Patent”); 8,286,089 (the “089 Patent”); 8,572,182 (the “182 Patent”); and
22 8,825,777 (the “777 Patent”) are listed by the US Patent and Trademark Office as
23 assigned to BlackBerry Limited. Twitter admits that advertisers and mobile phone
24 users in the United States and in the Central District of California use Twitter Ads
25 and Twitter’s applications for iOS, Android, Windows, and web (www.twitter.com),
26 but Twitter denies that it “infringes the Patents-in-Suit.” To the extent not expressly
27 admitted herein, Twitter denies the remaining allegations of Paragraph 13 of the
28 Complaint.

1 14. Twitter denies that Twitter has infringed any of BlackBerry's patents or
2 that it has caused BlackBerry any "harm" through any "unauthorized use of
3 BlackBerry's patented technologies." To the extent not expressly admitted herein,
4 Twitter denies the remaining allegations of Paragraph 14 of the Complaint.

5 **RESPONSE TO ALLEGATIONS**

6 **REGARDING "NATURE OF THE ACTION"**

7 15. Twitter admits that the Complaint purports to be a complaint for patent
8 infringement under 35 U.S.C. § 271, but denies that it has any merit.

9 16. Denied.

10 17. Paragraph 17 of the Complaint states legal conclusions and allegations
11 to which no response is required. To the extent a response is required, Twitter
12 admits that U.S. Patent Nos. 8,676,929; 8,296,351; 9,349,120; 9,021,059;
13 8,286,089; 8,572,182; and 8,825,777 (the "777 Patent") are listed by the US Patent
14 and Trademark Office as assigned to BlackBerry Limited. Twitter denies that any
15 of the Patents-in-Suit are valid and enforceable. Twitter admits that BlackBerry's
16 Complaint requests injunctive relief and monetary damages. Twitter is without
17 knowledge or information sufficient to form a belief as to the truth of the remaining
18 allegations of Paragraph 17 of the Complaint, and on that basis, denies them.

19 **RESPONSE TO ALLEGATIONS REGARDING "THE PARTIES"**

20 18. Twitter admits that BlackBerry Limited alleges that it is a Canadian
21 company with its principal place of business at 2200 University Avenue East,
22 Waterloo, Ontario, Canada N2K 0A7. Twitter admits that U.S. Patent Nos.
23 8,676,929; 8,296,351; 9,349,120; 9,021,059; 8,286,089; 8,572,182, and 8,825,777
24 are listed by the US Patent and Trademark Office as assigned to BlackBerry
25 Limited. Twitter is without knowledge or information sufficient to form a belief as
26 to the truth of the remaining allegations of Paragraph 18 of the Complaint, and on
27 that basis, denies them.

28

1 19. Twitter admits that Twitter is a Delaware corporation with a principal
2 place of business at 1355 Market St. Ste. 900, San Francisco, CA 94103. Twitter
3 admits that it owns and operates the website located at www.twitter.com and
4 markets and makes available throughout the United States, including in this district,
5 the Twitter for iOS, Android, Windows, and web (www.twitter.com) applications.
6 Twitter admits that it maintains an office in Santa Monica, California. To the extent
7 not expressly admitted herein, Twitter denies the allegations of Paragraph 19.

8 20. Denied.

9 **RESPONSE TO ALLEGATIONS**

10 **REGARDING “JURISDICTION AND VENUE”**

11 21. Twitter admits that the Complaint purports to be a complaint for patent
12 infringement under 35 U.S.C. § 271, but denies that the Complaint has any merit.

13 22. Twitter admits that this Court has subject-matter jurisdiction pursuant
14 to 28 U.S.C. §§ 1331 and 1338(a).

15 23. Twitter admits that it is subject to the personal jurisdiction of this Court
16 for purposes of this lawsuit only. Twitter admits that it maintains an office in this
17 district and employs over 80 individuals in the Los Angeles metropolitan area.
18 Twitter admits that it owns and operates the website located at www.twitter.com and
19 markets and makes available throughout the United States, including in this district,
20 the Twitter for iOS, Android, Windows, and web (www.twitter.com) applications.
21 Twitter denies that it “provid[es] infringing products and services.” To the extent
22 not expressly admitted herein, Twitter denies the remaining allegations of Paragraph
23 23 of the Complaint.

24 24. Denied.

25 25. Twitter admits that venue is proper in this judicial district for purposes
26 of this lawsuit only. Twitter denies that it has “committed acts of infringement.” To
27 the extent not expressly admitted herein, Twitter denies the remaining allegations of
28 Paragraph 25 of the Complaint.

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