

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS MOBILE, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1762 (LPS)
)	
SONY MOBILE COMMUNICATIONS)	DEMAND FOR JURY TRIAL
(USA), INC.; SONY MOBILE)	
COMMUNICATIONS AB and SONY)	
CORPORATION,)	
)	
Defendants.)	

**DEFENDANT SONY MOBILE COMMUNICATIONS (USA) INC.’S
ANSWER AND COUNTERCLAIMS**

Defendant Sony Mobile Communications (USA) Inc. (“Sony Mobile”) hereby files its Answer, Counterclaims, and Jury Demand to Plaintiff Pragmatu Mobile, LLC’s (“Plaintiff”) Complaint (“Complaint”) in this action and responds on behalf of itself and no other party as set forth below. Each paragraph of this Answer corresponds to the same numbered paragraph in the Complaint, and anything in the Complaint that is not expressly admitted herein is hereby denied.

PARTIES

1. Sony Mobile lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint.
2. Sony Mobile admits that Sony Corporation is a corporation organized under the laws of Japan and its principal place of business is 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan.

3. Sony Mobile admits that Sony Mobile Communications AB is a corporation organized under the laws of Sweden and its principal place of business is located at Sölvegatan 51, 223 62 Lund, Sweden (delivery address) and Mobilvägen 4, 221 88 Lund, Sweden (visiting address), and that Sony Mobile Communications AB is a wholly owned subsidiary of Sony Corporation.

4. Sony Mobile admits that it is a Delaware corporation having its principal place of business at 3333 Piedmont Road, Atlanta, Georgia, and that it is a wholly owned subsidiary of Sony Mobile Communications AB.

JURISDICTION AND VENUE

5. Sony Mobile admits that the Complaint purports to initiate an action for patent infringement arising under Title 35 of the United States Code, but Sony Mobile denies infringement. Sony Mobile admits that this Court has jurisdiction over the subject matter of the action under 28 U.S.C. § 1331 and § 1338(a) because it purports to be an action for patent infringement, but Sony Mobile denies that the asserted patents are valid and denies infringement.

6. For the purpose of this action and all counterclaims set forth herein, and without waiving any defense of lack of personal jurisdiction in connection with any other cause of action or claim, Sony Mobile does not contest whether jurisdiction over it properly lies in this district but denies that Sony Mobile has committed any act that would give rise to any cause of action asserted in the Complaint or that it does substantial business in this forum.

7. For the purpose of this action and any counterclaims set forth herein, and without waiving any defense of lack of venue or improper venue in connection with any other cause of action or claim, Sony Mobile does not contest whether venue properly lies in this

district but denies that this venue is more convenient than other venues. Sony Mobile denies that it has committed any act that would give rise to any cause of action asserted in the Complaint.

THE PATENTS-IN-SUIT

8. Sony Mobile admits that Exhibit A of the Complaint purports to be a copy of United States Patent No. 8,149,124 (the “124 Patent”), and that it bears a title of “Personal Security And Tracking System,” but denies that it was duly and legally issued. Sony Mobile lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph of the Complaint and therefore denies them.

9. Sony Mobile admits that Exhibit B of the Complaint purports to be a copy of United States Patent No. 8,466,795 (the “795 Patent”), and that it bears a title of “Personal Security And Tracking System,” but denies that it was duly and legally issued. Sony Mobile lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph of the Complaint and therefore denies them.

10. Denied.

Count I - Alleged Infringement Of The ‘124 Patent

11. Sony Mobile incorporates by reference its answers to the allegations set forth in Paragraphs 1-10 as if fully set forth herein.

12. Denied.

13. Denied.

14. Denied.

15. Sony Mobile admits that, by virtue of the service of the Complaint, Sony Mobile is aware that Plaintiff is claiming infringement by Sony Mobile, but Sony Mobile denies

that there is infringement. Sony Mobile denies the remaining allegations of this paragraph of the Complaint.

16. Denied.

17. Denied.

Count II - Alleged Infringement of the '795 Patent

18. Sony Mobile incorporates by reference its answers to the allegations set forth in Paragraphs 1-10 as if fully set forth herein.

19. Denied.

20. Denied.

21. Denied.

22. Sony Mobile admits that, by virtue of the service of the Complaint, Sony Mobile is aware that Plaintiff is claiming infringement by Sony Mobile, but Sony Mobile denies that there is infringement. Sony Mobile denies the remaining allegations of this paragraph of the Complaint.

23. Denied.

24. Denied.

Plaintiff's Prayer For Relief

To the extent a response to Plaintiff's Prayer for Relief is required; Sony Mobile denies that Plaintiff is entitled to any of the prayed-for relief. Sony Mobile further states that Plaintiff has failed to plead any facts to support a declaration by the Court that this case is exceptional under the terms of 35 U.S.C. § 285 or that the alleged infringement was willful.

DEFENSES

Sony Mobile incorporates by reference the foregoing paragraphs in their entirety and asserts the following Defenses. By asserting these defenses, Sony Mobile does not admit that it bears the burden of proof on any issue and does not accept any burden it would not otherwise bear. Sony Mobile reserves the right to amend this Answer with additional defenses as further information becomes available.

First Defense

(No Infringement of the '124 Patent)

Sony Mobile does not infringe and has not infringed, either directly, contributorily, by inducement, and/or literally any valid and enforceable claim of the '124 Patent. Further, the accused devices are staple articles or commodities of commerce suitable for substantial noninfringing uses, foreclosing liability for contributory infringement.

Second Defense

(No Infringement of the '795 Patent)

Sony Mobile does not infringe and has not infringed, either directly, contributorily, by inducement, and/or literally, any valid and enforceable claim of the '795 Patent. Further, the accused devices are staple articles or commodities of commerce suitable for substantial noninfringing uses, foreclosing liability for contributory infringement.

Third Defense

(Invalidity of the '124 Patent)

Each and every claim of the '124 Patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including, without limitation, the requirements of 35 U.S.C. §§ 101, 102, 103, and 112.

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