

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

GREENTHREAD, LLC,

Plaintiff,

v.

OMNIVISION TECHNOLOGIES, INC.,

Defendant.

**Case No. 2:23-cv-00212-JRG
(Consolidated Lead Case)**

JURY TRIAL DEMANDED

GREENTHREAD, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS INCORPORATED,

Defendant.

**Case No. 2:23-cv-00157-JRG
(Member Case)**

JURY TRIAL DEMANDED

GREENTHREAD, LLC,

Plaintiff,

v.

AMS-OSRAM AG ET AL.

Defendant.

**Case No. 2:23-cv-00179-JRG
(Member Case)**

JURY TRIAL DEMANDED

**PLAINTIFF’S ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANTS AMS-
OSRAM AG’S, OSRAM GMBH’S, AND AMS SENSORS USA INC.’S
COUNTERCLAIMS**

Plaintiff Greenthread, LLC (“Greenthread”) hereby submits their Answer and Affirmative Defenses to OSRAM GmbH, AMS-OSRAM AG and ams Sensors USA Inc. (collectively, “AMS-OSRAM”) Counterclaims (“counterclaims”) and respectfully shows the Court as follows:

THE PARTIES

1. Plaintiff admits the allegations of Paragraph 1 in the counterclaims.
2. Plaintiff admits the allegations of Paragraph 2 in the counterclaims.

JURISDICTION AND VENUE

3. Paragraph 3 is a legal conclusion to which no response is required. To the extent a response is required, Plaintiff admits that this Court has subject matter jurisdiction over actions for declaratory judgment of invalidity under 28 U.S.C. §§ 1331, 1338(a), 2201, 2202, and the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.* Plaintiff denies the remaining allegations in Paragraph 3.
4. Plaintiff admits that personal jurisdiction is proper in this judicial district for purposes of Defendants' counterclaims. Plaintiff otherwise denies the remaining allegations of Paragraph 4.
5. Plaintiff admits that venue is proper in this judicial district for purposes of Defendants' counterclaims. Plaintiff otherwise denies the remaining allegations of Paragraph 5.

FACTS

6. Plaintiff admits that it owns U.S. Patent Nos. 8,421,195 (the "'195 Patent"), 9,190,502 (the "'502 Patent"), 10,510,842 (the "'842 Patent"), 10,734,481 (the "'481 Patent"), 11,121,222 (the "'222 Patent"), and 11,316,014 (the "'014 Patent"), (collectively, the "Asserted Patents") and that ams OSRAM infringes one or more claims of the Asserted Patents.
7. Plaintiff denies the allegations of Paragraph 7 and affirmatively states that the accused products do infringe the Asserted Patents, and the Asserted Patents are valid.

COUNTERCLAIM COUNT I

(Declaratory Judgment of Patent Invalidity)

8. Plaintiff incorporates by reference all of the foregoing paragraphs.
9. Plaintiff denies the allegations of Paragraph 9 of the counterclaims.

COUNTERCLAIM COUNT II

(Declaratory Judgment of Patent Invalidity)

10. Plaintiff incorporates by reference all of the foregoing paragraphs.
11. Plaintiff denies the allegations of Paragraph 11 of the counterclaims.

COUNTERCLAIM COUNT III

(Declaratory Judgment of Patent Invalidity)

12. Plaintiff incorporates by reference all of the foregoing paragraphs.
13. Plaintiff denies the allegations of Paragraph 13 of the counterclaims.

COUNTERCLAIM COUNT IV

(Declaratory Judgment of Patent Invalidity)

14. Plaintiff incorporates by reference all of the foregoing paragraphs.
15. Plaintiff denies the allegations of Paragraph 15 of the counterclaims.

COUNTERCLAIM COUNT V

(Declaratory Judgment of Patent Invalidity)

16. Plaintiff incorporates by reference all of the foregoing paragraphs.
17. Plaintiff denies the allegations of Paragraph 17 of the counterclaims.

COUNTERCLAIM COUNT VI

(Declaratory Judgment of Patent Invalidity)

18. Plaintiff incorporates by reference all of the foregoing paragraphs.
19. Plaintiff denies the allegations of Paragraph 19 of the counterclaims.
20. Plaintiff admits that the countercomplaint purports to seek a declaration. Plaintiff denies the remaining allegations of Paragraph 20 of the counterclaims.

COUNTERCLAIM COUNT VII

(Declaratory Judgment of Non-Infringement)

21. Plaintiff incorporates by reference all of the foregoing paragraphs.
22. Plaintiff denies the allegations of Paragraph 22 of the counterclaims and affirmatively states that the accused products do infringe the ‘195 patent.

COUNTERCLAIM COUNT VIII

(Declaratory Judgment of Non-Infringement)

23. Plaintiff incorporates by reference all of the foregoing paragraphs.
24. Plaintiff denies the allegations of Paragraph 24 of the counterclaims and affirmatively states that the accused products do infringe the ‘502 patent.

COUNTERCLAIM COUNT IX

(Declaratory Judgment of Non-Infringement)

25. Plaintiff incorporates by reference all of the foregoing paragraphs.
26. Plaintiff denies the allegations of Paragraph 26 of the counterclaims and affirmatively states that the accused products do infringe the ‘842 patent.

COUNTERCLAIM COUNT X

(Declaratory Judgment of Non-Infringement)

27. Plaintiff incorporates by reference all of the foregoing paragraphs.
28. Plaintiff denies the allegations of Paragraph 28 of the counterclaims and affirmatively states that the accused products do infringe the ‘481 patent.

COUNTERCLAIM COUNT XI

(Declaratory Judgment of Non-Infringement)

29. Plaintiff incorporates by reference all of the foregoing paragraphs.

30. Plaintiff denies the allegations of Paragraph 30 of the counterclaims and affirmatively states that the accused products do infringe the '222 patent.

COUNTERCLAIM COUNT XII

(Declaratory Judgment of Non-Infringement)

31. Plaintiff incorporates by reference all of the foregoing paragraphs.

32. Plaintiff denies the allegations of Paragraph 32 of the counterclaims and affirmatively states that the accused products do infringe the '014 patent.

33. Plaintiff admits that the countercomplaint purports to seek a declaration. Plaintiff denies the remaining allegations of Paragraph 33 of the counterclaims.

GENERAL DENIAL

Plaintiff asserts a general denial pursuant to all allegations and claims contained in Defendants' Counterclaims. Any allegation in Defendants' Counterclaims not expressly admitted by Plaintiff is hereby denied. Having answered Defendants' Counterclaims, Plaintiff denies that Defendants are entitled to the relief requested in Defendants' Prayer for Relief or to any relief whatsoever.

RESPONSE TO DEFENDANTS' PRAYER FOR RELIEF

Plaintiff denies that Defendants are entitled to the relief sought in their PRAYER FOR RELIEF, or to any relief whatsoever, with respect to these Counterclaims.

AFFIRMATIVE DEFENSES

For its affirmative defenses to the Counterclaims, Plaintiff alleges as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

Defendant has failed to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(No Attorney's Fees)

Defendants cannot show that they are entitled to attorneys' fees or other relief pursuant to 35 U.S.C. § 285.

THIRD AFFIRMATIVE DEFENSE

(Reservation of Affirmative Defenses)

Plaintiff reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses at law or in equity that may exist now or that may be available in the future based on discovery and further factual investigation in this action.

Dated: September 28, 2023.

McKOOL SMITH, P.C.

/s/ Alan L. Whitehurst

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***ATTORNEYS FOR PLAINTIFF
GREENTHREAD, LLC***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on September 28, 2023.

/s/ Alan L. Whitehurst
Alan L. Whitehurst