

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AFL TELECOMMUNICATIONS, LLC,	)	
	)	C/A No.: 23-1202-RGA
Plaintiff,	)	
	)	
v.	)	JURY TRIAL DEMANDED
	)	
STERLITE TECH HOLDING, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT’S ANSWER TO PLAINTIFF’S
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Sterlite Tech Holding, Inc. (“Sterlite Tech”), hereby responds to the First Amended Complaint of AFL Telecommunications, LLC (“AFL”), filed December 5, 2023 (D.I. 9), and expressly denies all allegations in the First Amended Complaint not specifically admitted in this Answer, as follows:

THE PARTIES

1. Sterlite Tech lacks sufficient knowledge or information to form a basis as to the truth of the allegation of Paragraph 1 and on that basis denies them.
2. Sterlite Tech admits the allegations of Paragraph 2.
3. Sterlite Tech admits the allegations of Paragraph 3.
4. With regard to the documents referenced and/or incorporated in Paragraph 4, Sterlite Tech refers the Court to those documents for their terms and denies any allegations in the First Amended Complaint inconsistent therewith.
5. Sterlite Tech admits the allegations of Paragraph 5.
6. Sterlite Tech admits the allegations of Paragraph 6.
7. Sterlite Tech admits that AFL’s First Amended Complaint alleges patent infringement under 35 U.S.C. §§ 1, *et seq.*

8. To the extent any claim brought by AFL is justiciable, Sterlite Tech does not contest subject matter jurisdiction in this Court over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Sterlite Tech does not contest personal jurisdiction in this Court for purposes of this action only.

10. Sterlite Tech does not contest venue in this Court for purposes of this action only.

THE ASSERTED PATENT

11. Sterlite Tech admits that the '591 Patent states on its face that it was issued by the United States Patent and Trademark Office ("USPTO") on March 29, 2022 and that it bears the title "Optical Fiber Cable."

12. Sterlite Tech admits that AFL has attached what purports to be a copy of the '591 Patent to the Complaint as Exhibit B.

13. Sterlite Tech denies the allegations of Paragraph 13.

14. Sterlite Tech denies the allegations of Paragraph 14. Sterlite Tech admits that AFL has attached what purports to be a copy of the assignment of the '591 Patent to AFL as Exhibit C.

15. Sterlite Tech denies the allegations of Paragraph 15.

BACKGROUND

16. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 16 and, therefore, denies them.

17. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 17 and, therefore, denies them.

18. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 18 and, therefore, denies them.

19. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 19 and, therefore, denies them.

20. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 20 and, therefore, denies them.

21. Sterlite Tech denies information and belief sufficient upon which to form a basis to respond to the allegations of Paragraph 21 and, therefore, denies them.

22. Sterlite Tech denies the allegations of Paragraph 22.

23. Sterlite Tech denies the allegations of Paragraph 23.

24. Sterlite Tech denies the allegations of Paragraph 24 and refers the Court to the documents incorporated or referred to for their terms, and denies all allegations inconsistent therewith.

25. Sterlite Tech denies the allegations of Paragraph 25 as stated.

26. Sterlite Tech denies the allegations of Paragraph 26.

27. Sterlite Tech denies the allegations of Paragraph 27.

28. Sterlite Tech denies the allegations of Paragraph 28.

29. Sterlite Tech denies the allegations of Paragraph 29.

30. Sterlite Tech denies the allegations of Paragraph 30.

31. Sterlite Tech denies the allegations of Paragraph 31.

32. Sterlite Tech denies the allegations of Paragraph 32.

33. Sterlite Tech is a corporation organized and existing under the laws of the State of South Carolina, with a registered agent having an address of 250 Berry Hill Road, Suite 513, Columbia, SC 29210.

34. Sterlite Tech admits the existence of a settlement document prior to the filing of the Amended Complaint that provided that STI would be bound to an eventual determination of the case and refers the Court to the documents incorporated or referred to for their terms.

COUNT 1
(Infringement of the '591 Patent)

35. Sterlite Tech incorporates its responses to the allegations in Paragraphs 1 through 34 of AFL's First Amended Complaint as if fully set forth herein.

36. Sterlite Tech admits that it does not have a license with AFL but denies that any such license is necessary.

37. Sterlite Tech denies the allegations of Paragraph 37.

38. Sterlite Tech denies the allegations of Paragraph 38.

39. Sterlite Tech refers the Court to the documents incorporated or referred to for their terms and denies any allegations in the First Amended Complaint that are inconsistent therewith. Sterlite Tech denies the remaining allegations, if any, in Paragraph 39.

40. Sterlite Tech denies the allegations of Paragraph 40.

41. Sterlite Tech admits that, on its face, the '591 Patent recites: "An optical fiber cable comprising." Sterlite Tech denies the remaining allegations of Paragraph 41.

42. Sterlite Tech admits that, on its face, the '591 Patent recites: "a sheath." Sterlite Tech denies the remaining allegations of Paragraph 42.

43. Sterlite Tech admits that, on its face, the '591 Patent recites: "a core that is housed in the sheath and comprises an intermittently-adhered optical fiber ribbon comprising: optical fibers; and. . . ." Sterlite Tech denies the remaining allegations of Paragraph 43.

44. Sterlite Tech admits that, on its face, the '591 Patent recites: “adhesive portions that intermittently adhere the optical fibers together in a longitudinal direction. . . .” Sterlite Tech denies the remaining allegations of Paragraph 44.

45. Sterlite Tech admits that, on its face, the '591 Patent recites: “recesses and protrusions are disposed alternately in a circumferential direction on an outer circumferential surface of the sheath. . . .” Sterlite Tech denies the remaining allegations of Paragraph 45.

46. Sterlite Tech admits that, on its face, the '591 Patent recites: “the recesses each comprise: two connecting portions respectively connected to radial inner ends of two adjacent protrusions; and a bottom surface positioned between the two connecting portions, and” Sterlite Tech denies the remaining allegations of Paragraph 46.

47. Sterlite Tech admits that, on its face, the '591 Patent recites: “in a transverse crosssectional view, a cross-sectional area of the recesses that is enclosed by closed curves tangent to radial outer ends of the protrusions and all the recesses is 1.3 mm² or greater and 4.8 mm² or less.” Sterlite Tech denies the remaining allegations of Paragraph 47.

48. Sterlite Tech denies the allegations of Paragraph 48.

49. Sterlite Tech denies the allegations of Paragraph 49.

50. Sterlite Tech denies the allegations of Paragraph 50.

51. Sterlite Tech denies the allegations of Paragraph 51.

52. Sterlite Tech does not have information or knowledge on which to form a belief as to AFL's alleged damages. Sterlite Tech denies that AFL has suffered any damages as a result of any acts and/or omissions of Sterlite Tech.

53. Sterlite Tech denies the allegations of Paragraph 53.

54. Sterlite Tech denies the allegations of Paragraph 54.

55. Sterlite Tech denies the allegations of Paragraph 55.

DEMAND FOR JURY TRIAL

In response to the unnumbered Paragraph on page 11 of the First Amended Complaint, Sterlite Tech admits that Plaintiff has demanded a jury trial.

PRAYER FOR RELIEF

In response to the unnumbered paragraph on pages 11-12 of the First Amended Complaint., Sterlite Tech denies that AFL has suffered any damages as a result of any acts and/or omissions of Sterlite Tech. Therefore, Sterlite Tech denies that AFL is entitled to any relief from this Court and demands strict proof thereof.

AFFIRMATIVE AND OTHER DEFENSES

NOW THEREFORE, having fully answered the allegations set forth in AFL's First Amended Complaint, Sterlite Tech now sets forth its additional **DEFENSES and AFFIRMATIVE DEFENSES**:

FIRST DEFENSE

1. AFL's First Amended Complaint fails to state facts sufficient to constitute any cause of action or any claim upon which relief may be granted against Sterlite Tech under Rule 12(b)(6) or Rule 12(c) of the Federal Rules of Civil Procedure.

SECOND DEFENSE

2. Plaintiff cannot prove all the necessary elements of the claim it has set forth in its First Amended Complaint, and for that reason, all of the causes of action must be dismissed with prejudice.

THIRD DEFENSE

3. Furthermore, AFL's claim against Sterlite Tech is barred and/or legally and factually unsupportable to the extent such claim arises out of acts and/or omissions by third parties.

FOURTH DEFENSE

4. AFL's claim must be dismissed under the applicable statute of limitations, equitable doctrines of waiver, acquiescence, course of conduct, estoppel, and/or unclean hands.

FIFTH DEFENSE

5. AFL's claim must be dismissed because Sterlite Tech does not infringe any valid claim of the asserted patent.

SIXTH DEFENSE

6. AFL'S claim must be dismissed because the '591 patent is invalid in light of the relevant prior art.

WHEREFORE, having fully answered AFL's First Amended Complaint, Sterlite Tech prays for an order of this Honorable Court as follows:

1. the relief sought by AFL be denied in each and every respect;
2. the claim asserted by AFL be dismissed in its entirety with prejudice; and
3. Sterlite Tech be awarded its costs and attorneys' fees under applicable case and statutory laws and such other and further relief as this Court may deem just and proper.

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