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

| | | |
|---|---|---|
| FOUR BATONS WIRELESS, LLC, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CASE NO. 2:24-CV-284 |
| | § | |
| SAMSUNG ELECTRONICS CO., LTD., | § | |
| SAMSUNG ELECTRONICS AMERICA, INC., | § | |
| | § | |
| Defendants. | § | |
| | § | |

**DEFENDANTS SAMSUNG ELECTRONICS CO. LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S ANSWER AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung") hereby answer the Complaint of Plaintiff Four Batons Wireless, LLC ("Plaintiff" or "Four Batons") for Patent Infringement dated April 26, 2024 ("Complaint") as follows.

1. Paragraph 1 of Plaintiff's Complaint does not state any allegation, and Samsung is not required to respond. To the extent that any allegations are included in the demand, Samsung admits that Plaintiff has filed the Complaint against Samsung. Except as expressly admitted, Samsung denies the allegations of Paragraph 1 of Plaintiff's Complaint.

**THE PARTIES[1]**

2. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of Plaintiff's Complaint and, accordingly, denies them.

[1] Samsung has repeated the headers of Plaintiff's Complaint for purposes of organization only. The inclusion of said headers shall not be an implied admission as to any allegation or fact.



Samsung v. Four Batons
IPR2025-00494
Exhibit 1027

3. Samsung admits that SEC is a corporation organized under the laws of the Republic of Korea. Samsung admits that SEC has a location at 129, Samsung-Ro, YeongTong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, South Korea. Except as expressly admitted, Samsung denies the allegations of Paragraph 3 of Plaintiff's Complaint.

4. Samsung admits that SEA is a corporation organized under the laws of the State of New York. Samsung admits that SEA has a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that SEA may be served through its registered agent for service of process, CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201. Except as expressly admitted, Samsung denies the allegations of Paragraph 4 of Plaintiff's Complaint.

## JURISDICTION AND VENUE

5. Samsung admits that the Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). Samsung admits that Plaintiff's Complaint purports to invoke the patent laws of the United States, 35 U.S.C. § 1, et seq. Except as expressly admitted, Samsung denies the allegations of Paragraph 5 of Plaintiff's Complaint.

6. Samsung does not contest personal jurisdiction in this District solely for the purpose of this action. Except as expressly admitted, Samsung denies the allegations of Paragraph 6 of Plaintiff's Complaint.

7. Samsung does not contest personal jurisdiction in this District solely for the purpose of this action. Samsung denies that it has engaged in any infringing conduct within Texas or this District, or in any other judicial district, and denies any remaining allegations of Paragraph 7 of Plaintiff's Complaint.

8. Samsung does not contest personal jurisdiction in this District solely for the purpose of this action. Samsung denies that it has engaged in any infringing conduct within Texas or this

District, or in any other judicial district. Samsung denies that Plaintiff has sustained any injury, and denies that any action by Samsung has caused or will continue to cause any injury to Four Batons within Texas or this District, or in any other judicial district, and denies any remaining allegations of Paragraph 8 of Plaintiff's Complaint.

9. Samsung does not contest personal jurisdiction in this District solely for the purpose of this action. Samsung denies that it has committed any acts of infringement or induced others to do the same, within Texas or this District, or in any other judicial district. Except as expressly admitted, Samsung denies the allegations of Paragraph 9 of Plaintiff's Complaint.

10. Samsung admits that SEA maintains an office at 6625 Excellence Way, Plano, Texas 75023. Except as expressly admitted, Samsung denies the allegations of Paragraph 10 of Plaintiff's Complaint.

11. Samsung admits that the website https://www.samsung.com/us/careers/life-at-samsung/ describes SEA's Plano, TX office as a "Mobile Innovation hub." Samsung admits that the website https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/ includes the word "flagship" in the title, describes SEA's Plano, TX office as a "216,000 square foot building" for use by "more than 1,000" employees, and describes Samsung's "longstanding and growing commitment to Texas. . . ." Except as expressly admitted, Samsung denies the allegations of Paragraph 11 of Plaintiff's Complaint.

12. Samsung admits that SEA's business includes distribution of certain Samsung consumer electronic products in the United States. Except as expressly admitted, Samsung denies the allegations of Paragraph 12 of Plaintiff's Complaint.

13. Samsung denies that it has committed any acts of infringement, within this District or in any other judicial district. Except as expressly admitted, Samsung denies the allegations of Paragraph 13 of Plaintiff's Complaint.

14. Samsung admits that SEC is not a resident in the United States. Samsung admits that SEC is a corporation organized and existing under the laws of the Republic of Korea. Samsung admits that venue is proper in this District as to SEC for purposes of this particular action. Samsung denies that this is most convenient venue for this action under 28 U.S.C. §1404(a), and denies any remaining allegations of Paragraph 14 of Plaintiff's Complaint.

15. Samsung admits that venue is proper in this District as to SEA for purposes of this particular action. Samsung denies that it has committed any acts of infringement, within this District or in any other judicial district. Samsung admits that SEA maintains an office at 6625 Excellence Way, Plano, Texas 75023. Except as expressly admitted, Samsung denies the allegations of Paragraph 15 of Plaintiff's Complaint.

16. Samsung admits that it did not dispute this Court's personal jurisdiction in its answer to the complaint (Dkt. No. 25) in *Barkan Wireless IP Holdings, L.P. v. Samsung Electronics Co., Ltd., et al.*, No. 2:18-cv-28-JRG. Except as expressly admitted, Samsung denies the allegations of Paragraph 16 of Plaintiff's Complaint.

17. Samsung admits that it did not contest venue in this District in its answer to the complaint (Dkt. No. 25) in *Barkan Wireless IP Holdings, L.P. v. Samsung Electronics Co., Ltd., et al.*, No. 2:18-cv-28-JRG, but avers that in that case Samsung denied that venue in this District was convenient. Samsung denies that this is most convenient venue for this action under 28 U.S.C. §1404(a), and denies any remaining allegations of Paragraph 17 of Plaintiff's Complaint.

**PATENTS-IN-SUIT**

18. Samsung admits that what purports to be a copy of U.S. Patent No. 8,798,006 (the "'006 Patent") is attached to Plaintiff's Complaint as Exhibit A. Samsung admits that, on its face, the '006 Patent is titled "Real-time comparison of quality of interfaces." Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 18 of Plaintiff's Complaint and, accordingly, denies them.

19. Samsung admits that what purports to be a copy of U.S. Patent No. 8,239,671 (the "'671 Patent") is attached to Plaintiff's Complaint as Exhibit B. Samsung admits that, on its face, the '671 Patent is titled "Channel binding mechanism based on parameter binding in key derivation." Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 19 of Plaintiff's Complaint and, accordingly, denies them.

20. Samsung admits that what purports to be a copy of U.S. Patent No. 7,502,348 (the "'348 Patent") is attached to Plaintiff's Complaint as Exhibit C. Samsung admits that, on its face, the '348 Patent is titled "Silent proactive handoff." Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 20 of Plaintiff's Complaint and, accordingly, denies them.

21. Samsung admits that what purports to be a copy of U.S. Patent No. 8,073,436 (the "'436 Patent") is attached to Plaintiff's Complaint as Exhibit D. Samsung admits that, on its face, the '436 Patent is titled "Applications and/or situation responsive utilization of silent periods." Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 21 of Plaintiff's Complaint and, accordingly, denies them.

22. Samsung admits that Plaintiff's Complaint on its face refers to the '006, '671, '348, and '436 Patents as the "Patents-in-Suit." Except as expressly admitted, Samsung denies any remaining allegations of Paragraph 22 of Plaintiff's Complaint.

**SAMSUNG'S KNOWLEDGE OF THE PATENTS-IN-SUIT AND WILLFUL INFRINGEMENT**

23. Denied.

24. Samsung admits that what purport to be copies of correspondence between Plaintiff and a Samsung employee are attached to Plaintiff's Complaint as Exhibit E. Samsung admits that in or around November 2021, a Samsung employee was contacted regarding certain patents purportedly owned by Four Batons. Samsung admits that in or around July 2022, a Samsung employee was contacted regarding certain patents purportedly owned by Four Batons. Samsung's investigation continues but otherwise Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 24 of Plaintiff's Complaint and, accordingly, denies them.

25. Samsung denies that it is not licensed to the Patents-in-Suit. Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 25 of Plaintiff's Complaint and, accordingly, denies them.

**COUNT 1**

(Infringement of the '006 Patent)

26. No response is required to Plaintiff's reference and incorporation of the preceding Paragraphs of Plaintiff's Complaint. To the extent a response is deemed required, Samsung repeats and incorporates by reference its answers to Paragraphs 1-25 as set forth above.

27. Samsung admits that, on its face, the '006 Patent is titled "Real-time comparison of quality of interfaces" and states that it issued on August 5, 2014. Samsung denies that the '006 Patent was duly and legally issued. Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 27 of Plaintiff's Complaint and, accordingly, denies them.

28. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28 of Plaintiff's Complaint and, accordingly, denies them.

29. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 29 of Plaintiff's Complaint and, accordingly, denies them.

30. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30 of Plaintiff's Complaint and, accordingly, denies them.

31. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 31 of Plaintiff's Complaint and, accordingly, denies them.

32. Denied.

33. Samsung admits that, on its face, the '006 Patent contains the following language:

> 1. A method for substantially real-time comparison of quality of interfaces (QoIs) by mobile devices having multiple heterogeneous interfaces that communicate over heterogeneous wireless networks, comprising:
>
> a mobile device comparing in substantially real-time the qualities of multiple interfaces, including at least one cellular radio interface and at least one wireless local area network interface, of said mobile device that connect to heterogeneous networks using path quality metrics that are independent of how the QoI is measured, whether measured by a path through a wireless network alone or a path through both a wireless network and through a wired network,
>
> said method including said mobile device comparing path quality as a quickest change detection problem for observations from a new interface or comparing path quality based on sequential two sample tests,
>
> said mobile device performing said comparing of said multiple interfaces concurrently in real time during use of a current interface, and
>
> said mobile device selecting one of said interfaces based on said comparing.

Samsung admits that the website https://docs.samsungknox.com/admin/knox-platform-for-enterprise/kbas/kba-360034073174/ states "Intelligent Wi-Fi is the new brand name of the existing 'Adaptive Wi-Fi' which had been applied to models older than Galaxy S10 (e.g. Galaxy S9 or older models)," and references "Switch to Mobile Data" and "Smart Network Switch." Except as expressly admitted, Samsung denies the allegations of Paragraph 33 of Plaintiff's Complaint.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Samsung admits that the website https://docs.samsungknox.com/admin/knox-platform-for-enterprise/kbas/kba-360034073174/ refers to "Switch to Mobile Data" and contains the phrases "gray areas," "Wi-Fi signal seems to be strong," and "lose Internet connection or experience very low quality of service," but Samsung denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 39 of Plaintiff's Complaint.

40. Samsung admits that the '006 Patent contains the phrases "sequential two sample test" and "test[s] the difference in average quality by testing for a difference in location (mean/median) of the two samples," but Samsung denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 40 of Plaintiff's Complaint.

41. Samsung admits that the website https://docs.samsungknox.com/admin/knox-platform-for-enterprise/kbas/kba-360034073174/ contains the sentence "Consumers are often frustrated when they lose Internet connection or experience very low quality of service (QoS), even when the Wi-Fi signal seems to be strong," and refers to "buses" and "trains," but Samsung denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 41 of Plaintiff's Complaint.

42. Samsung admits that the website https://docs.samsungknox.com/admin/knox-platform-for-enterprise/kbas/kba-360034073174/ contains the phrases "quickly switching,"

"switches networks faster," "moving vehicles, including buses, trains, and subways," and "new software," but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 42 of Plaintiff's Complaint.

43. Denied.

44. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the last sentence of Paragraph 44 of Plaintiff's Complaint and, accordingly, denies them. Samsung denies the remaining allegations of Paragraph 44 of Plaintiff's Complaint.

45. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 45 of Plaintiff's Complaint and, accordingly, denies them.

46. Denied.

47. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 47 of Plaintiff's Complaint and, accordingly, denies them.

48. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 48 of Plaintiff's Complaint and, accordingly, denies them.

49. Samsung admits that it has had knowledge of the '006 Patent since at least the service of Plaintiff's Complaint. Except as expressly admitted, Samsung denies the allegations of Paragraph 49 of Plaintiff's Complaint.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

**COUNT 2**

(Infringement of the '671 Patent)

57. No response is required to Plaintiff's reference and incorporation of the preceding Paragraphs of Plaintiff's Complaint. To the extent a response is deemed required, Samsung repeats and incorporates by reference its answers to Paragraphs 1-56 as set forth above.

58. Samsung admits that, on its face, the '671 Patent is titled "Channel binding mechanism based on parameter binding in key derivation" and states that it issued on August 7, 2012. Samsung denies that the '671 Patent was duly and legally issued. Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 58 of Plaintiff's Complaint and, accordingly, denies them.

59. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59 of Plaintiff's Complaint and, accordingly, denies them.

60. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60 of Plaintiff's Complaint and, accordingly, denies them.

61. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61 of Plaintiff's Complaint and, accordingly, denies them.

62. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62 of Plaintiff's Complaint and, accordingly, denies them.

63. Denied.

64. Samsung admits that, on its face, the '671 Patent contains the following language:

> 1. A channel binding method based on parameter binding in a key derivation procedure for authentication of a mobile Supplicant to an access network, comprising:
>
> cryptographically binding access network parameters to a key without needing to carry the parameters in authentication methods;

further including deriving a channel binding key from a channel binding master key bound to a key binding blob using a key derivation function; and
wherein said key binding blob is a string that is constructed from static parameters advertised from an authenticator.

Samsung admits the existence of the website https://www.wi-fi.org/product-finder-results and that it contains the matter appearing on the face thereof, but Samsung denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 64 of Plaintiff's Complaint.

65. Denied.

66. Denied.

67. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 67 of Plaintiff's Complaint.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the

same. Except as expressly admitted, Samsung denies the allegations of Paragraph 77 of Plaintiff's Complaint.

78. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 78 of Plaintiff's Complaint.

79. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 79 of Plaintiff's Complaint.

80. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 80 of Plaintiff's Complaint.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Samsung admits that, on its face, the '671 Patent contains the phrase "an octet-String that is constructed from static parameters advertised from an authenticator using an authenticator-Supplicant protocol." Except as expressly admitted, Samsung denies the allegations of Paragraph 86 of Plaintiff's Complaint.

87. Denied.

88. Denied.

89. Samsung admits the existence of the IEEE 802.11-2020 standard and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same. Except as expressly admitted, Samsung denies the allegations of Paragraph 89 of Plaintiff's Complaint.

90. Samsung admits that it has had knowledge of the '671 Patent since at least the service of Plaintiff's Complaint. Except as expressly admitted, Samsung denies the allegations of Paragraph 90 of Plaintiff's Complaint.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

**COUNT 3**

(Infringement of the '348 Patent)

98. No response is required to Plaintiff's reference and incorporation of the preceding Paragraphs of Plaintiff's Complaint. To the extent a response is deemed required, Samsung repeats and incorporates by reference its answers to Paragraphs 1-97 as set forth above.

99. Samsung admits that, on its face, the '348 Patent is titled "Silent proactive handoff" and states that it issued on March 10, 2009. Samsung denies that the '348 Patent was duly and legally issued. Samsung lacks knowledge or information sufficient to form a belief as to the truth

of any remaining allegations of Paragraph 99 of Plaintiff's Complaint and, accordingly, denies them.

100. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 100 of Plaintiff's Complaint and, accordingly, denies them.

101. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 101 of Plaintiff's Complaint and, accordingly, denies them.

102. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 102 of Plaintiff's Complaint and, accordingly, denies them.

103. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 103 of Plaintiff's Complaint and, accordingly, denies them.

104. Denied.

105. Samsung admits that, on its face, the '348 Patent contains the following language:

> 1. A method for performing silent proactive handoff of a mobile device to a target network while the mobile device is using a current network, comprising:
>
> while the mobile device is using the current network to transport application traffic and the current network satisfies the mobile device's requirements, having the mobile device use at least one silent period of an application to temporarily connect to at least one target network to proactively perform at least one handoff action for potential later handoff to the target network.

Except as expressly admitted, Samsung denies the allegations of Paragraph 105 of Plaintiff's Complaint.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

119. Samsung admits that it has had knowledge of the ’348 Patent since at least the service of Plaintiff’s Complaint. Except as expressly admitted, Samsung denies the allegations of Paragraph 119 of Plaintiff’s Complaint.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. Denied.

**COUNT 4**

(Infringement of the ‘436 Patent)

127. No response is required to Plaintiff’s reference and incorporation of the preceding Paragraphs of Plaintiff’s Complaint. To the extent a response is deemed required, Samsung repeats and incorporates by reference its answers to Paragraphs 1-126 as set forth above.

128. Samsung admits that, on its face, the ’436 Patent is titled “Applications and/or situation responsive utilization of silent periods” and states that it issued on December 6, 2011.

Samsung denies that the ’436 Patent was duly and legally issued. Samsung lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 128 of Plaintiff’s Complaint and, accordingly, denies them.

129. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 129 of Plaintiff’s Complaint and, accordingly, denies them.

130. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 130 of Plaintiff’s Complaint and, accordingly, denies them.

131. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 131 of Plaintiff’s Complaint and, accordingly, denies them.

132. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 132 of Plaintiff’s Complaint and, accordingly, denies them.

133. Denied.

134. Samsung admits that, on its face, the ’436 Patent contains the following language:

> 1. A method of controlling a wireless mobile having multiple interfaces comprising:
> having said mobile be aware of its applications running on it;
> having said mobile be aware of its operating situation;
> said multiple interfaces including heterogeneous radio interfaces, and having said mobile control processes, including use of said heterogeneous radio interfaces, of said mobile during silent periods based on one or more of its application awareness and its operating situation awareness, said silent periods being brief intervals during which an application running on said mobile has no application traffic to send or receive;
>
> further including having said mobile control use of said interfaces by using a second interface, during a silent period of a second application running on said mobile and using said second interface, to Support a first application running on said mobile and using a first interface that is heterogeneous to said second interface such as to use both said first and second heterogeneous interfaces concurrently during said silent period to Support said first application.

Except as expressly admitted, Samsung denies the allegations of paragraph 134 of Plaintiff’s Complaint.

135. Denied.

136. Denied.

137. Denied.

138. Denied.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Samsung admits the existence of the website https://www.samsung.com/ph/smartphones/galaxy-z-flip5/specs/ and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same and avers that this website is directed to markets outside the United States. Samsung admits the existence of the website https://www.samsung.com/latin_en/smartphones/galaxy-s24/specs/ and that it contains the matter appearing on the face thereof, but denies Plaintiff's characterization of the same and avers that this website is directed to markets outside the United States. Except as expressly admitted, Samsung denies the allegations of Paragraph 144 of Plaintiff's Complaint.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

149. Denied.

150. Denied.

151. Denied.

152. Denied.

153. Denied.

154. Denied.

155. Denied.

156. Denied.

157. Denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

162. Denied.

163. Denied.

164. Denied.

165. Denied.

**DEMAND FOR A JURY TRIAL**

166. Plaintiff's demand for a trial by jury for all issues so triable by right does not state any allegation, and Samsung is not required to respond. Samsung also requests a jury trial of all issues triable to a jury in this action. To the extent that any allegations are included in the demand, Samsung denies these allegations.

**RESPONSE TO FEES AND COSTS**

167. Denied.

## RESPONSE TO PRAYER FOR RELIEF

To the extent Plaintiff's Prayer for Relief is deemed to allege any facts or entitlements to the remaining relief requested, Samsung denies each and every allegation, and Samsung specifically denies that Plaintiff is entitled to any requested relief. Samsung further denies that any conduct on its part subjects Samsung to judgment for willful, direct, or indirect infringement, whether literally or under the doctrine of equivalents. Samsung further denies that any conduct on its part subjects Samsung to liability for damages for infringement or willful infringement, attorneys' fees and costs under 35 U.S.C. § 285, pre-judgment or post-judgment interest, reimbursement of costs, or any other form of relief. Samsung asks that the Court dismiss Plaintiff's Complaint with prejudice.

## GENERAL DENIAL

To the extent that any allegations in Plaintiff's Complaint are not specifically admitted above, Samsung denies them.

## AFFIRMATIVE DEFENSES

Further answering Plaintiff's Complaint and as additional defenses thereto, Samsung states the following affirmative and other defenses, without admitting any allegation of the Complaint and without altering any burdens of proof otherwise applicable at law or equity.

### First Defense – No Patent Infringement

Samsung does not and has not infringed (either literally or under the doctrine of equivalents) any valid and enforceable claim of the '006, '678, '348, and '436 Patents (collectively, the "Asserted Patents") under any theory of infringement, directly, indirectly, or otherwise.

**Second Defense – Patent Invalidity**

On information and belief, the claims of the Asserted Patents are invalid pursuant to one or more of the provisions of Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101 (eligibility), 102 (anticipation), 103 (obviousness), 112 (indefiniteness, failure to satisfy the written description and/or enablement requirements, and/or failure to claim what the applicants regarded as their invention), for improper inventorship, and/or the rules, regulations, and laws pertaining thereto.

**Third Defense – Equitable Doctrines of Estoppel, Implied License, Waiver, Acquiescence, and/or Unclean Hands**

Plaintiff's claims against Samsung regarding the Asserted Patents are barred, and the patents are unenforceable against Samsung, and/or damages are barred or limited, due to the equitable doctrines of estoppel, implied license, express or implied waiver, acquiescence, and/or unclean hands, including, but not limited to, as a result of any failure by Plaintiff or its predecessor(s)-in-interest to the Asserted Patents to disclose the Asserted Patents to standard-setting organizations to which Plaintiff or its predecessor(s)-in-interest were subject to a disclosure obligation.

**Fourth Defense – Prosecution Disclaimer / Estoppel**

On information and belief, the Asserted Patents are and were limited by amendment, by the prior art, and/or by statements made to the United States Patent and Trademark Office during prosecution of the applications that led to the issuance of the Asserted Patents and/or related applications, such that Plaintiff is barred, under the doctrines of prosecution disclaimer and/or prosecution history estoppel, from construing the claims of the Asserted Patents in such a way as may cover the Accused Products.

**Fifth Defense – Failure to State a Claim**

Plaintiff's Complaint fails to state a claim upon which relief can be granted, including, but not limited to, failure of Plaintiff's Complaint to meet the standard for pleading set by the Supreme Court in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

**Sixth Defense – Lack of Standing and/or Statutory Cause of Action**

On information and belief, Plaintiff does not own or lacks all substantial rights in the Asserted Patents. Thus, Plaintiff either (1) lacks standing to assert the Asserted Patents; or (2) lacks a statutory cause of action to assert the Asserted Patents without joining one or more third parties.

**Seventh Defense – License**

On information and belief, Plaintiff's claims for relief may be barred in whole or in part by one or more express and/or implied licenses.

**Eighth Defense – Patent Exhaustion**

Plaintiff's claims for relief may be barred in whole or in part by the doctrine of patent exhaustion.

**Ninth Defense – Limitation on Indirect Infringement**

To the extent Plaintiff asserts that Samsung induces infringement of the Asserted Patents, Plaintiff is not entitled to damages for any acts of infringement alleged to have been performed before Samsung had knowledge of the Asserted Patents.

**Tenth Defense – Limitation on Patent Damages**

Plaintiff's claims for damages, if any, against Samsung for alleged infringement of the Asserted Patents are statutorily limited by 35 U.S.C. § 286.

**Eleventh Defense – Failure to Mark**

Plaintiff's claims for damages, if any, are limited by its failure to comply with the patent marking statute, 35 U.S.C. § 287.

**Twelfth Defense – Preclusion of Costs**

Plaintiff is barred under 35 U.S.C. § 288 from recovering costs associated with its action.

**Thirteenth Defense – No Attorneys' Fees**

Plaintiff is precluded from recovering attorneys' fees under 35 U.S.C. § 285 and/or pursuant to this Court's inherent power.

**Fourteenth Defense – Patent Misuse**

Plaintiff's claims against Samsung regarding the Asserted Patents are barred, and the patents are unenforceable against Samsung, and/or damages are barred or limited, due to the doctrine of patent misuse, including, but not limited to, as a result of any failure by Plaintiff or its predecessor(s)-in-interest to disclose the Asserted Patents to standard-setting organizations to which Plaintiff or its predecessor(s)-in-interest were subject to a disclosure obligation.

**Fifteenth Defense – Limitations on Standard Essential Patents**

To the extent that any of the Asserted Patents should have been disclosed as essential to a standard or were in fact disclosed as essential to a standard, including but not limited to the Wi-Fi communications technology standard (*e.g.*, IEEE 802.11ac, 802.11ax, 802.11be), and if Plaintiff proves that any of the Asserted Patents are infringed, valid, and enforceable—which Samsung disputes—any damages should be limited in accordance with Plaintiff's obligation to license such Asserted Patent(s) at fair, reasonable, and non-discriminatory rates.

**RESERVATION OF RIGHTS**

Samsung reserves the right to amend its Answer to add additional 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 and/or equity (including, but not limited to, instances of inequitable conduct and/or patent misuse), as they become known throughout the course of discovery in this case. Assertion of a defense is not a concession that Samsung has the burden of proving the matter asserted.

**EXCEPTIONAL CASE**

On information and belief, this is an exceptional case entitling Samsung to an award of its attorneys' fees incurred in connection with defending and prosecuting this action pursuant to 35 U.S.C. § 285.

## COUNTERCLAIMS FOR DECLARATORY JUDGMENT

Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung" or "Counterclaim-Plaintiffs"), through their counsel, hereby assert the following Counterclaims against Four Batons Wireless, LLC ("Four Batons" or "Counterclaim-Defendant"):

## NATURE OF ACTION

1. The counterclaims arise under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 as well as the patent laws of the United States set forth in Title 35 of the United States Code.

2. As detailed below, Samsung seeks declaratory judgment of noninfringement and invalidity of U.S. Patent Nos. 8,798,006 (the "'006 patent"), 8,239,671 (the "'671 patent"), 7,502,348 (the "'348 patent"), and 8,073,436 (the "'436 patent") (collectively, the "Asserted Patents").

## PARTIES

3. SEC is a corporation organized under the laws of South Korea. SEC has a location at 129, Samsung-Ro, YeongTong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, South Korea.

4. SEA is a corporation organized under the laws of the State of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

5. On information and belief, by the Complaint in this action, Four Batons is a limited liability company organized and existing under the laws of Delaware, with its principal place of business at 14 Wall Street, 20th Floor, New York, NY 10005.

## JURISDICTION AND VENUE

6. This Court has jurisdiction over Samsung's declaratory judgment counterclaims pursuant to 28 U.S.C. §§ 2201 and 2202, and subject matter jurisdiction over patent infringement

and invalidity pursuant to 28 U.S.C. §§ 1331, 1367, and 1338(a). An actual, substantial, and continuing justiciable controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint alleging that Samsung has infringed the Asserted Patents, with respect to which Samsung requires a declaration of its rights by this Court. Specifically, the controversy concerns the invalidity and non-infringement of the Asserted Patents and the right of Four Batons to maintain suit for alleged infringement of the Asserted Patents.

7. The Court has personal jurisdiction over Four Batons because, *inter alia*, Four Batons has submitted to the personal jurisdiction of this Court by bringing the present action through filing its Complaint.

8. Venue is proper in this District as to these counterclaims pursuant to 28 U.S.C. §§ 1391 and/or 1400(b) because, *inter alia*, Four Batons has submitted to the venue of this Court by filing its Complaint in this District.

**COUNT I**
**NON-INFRINGEMENT OF THE ’006 PATENT**

9. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

10. Samsung does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid claim of the ’006 patent, under any theory of infringement.

11. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’006 patent.

12. Samsung has been injured and damaged by Four Batons filing its Complaint asserting a patent that Samsung does not infringe.

13. Samsung, therefore, seeks a declaration that it does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid and enforceable claim of the ’006 patent.

14. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT II**
**INVALIDITY OF THE ’006 PATENT**

15. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

16. The ’006 patent is invalid because the alleged invention(s) therein fail to satisfy the conditions for patentability under 35 U.S.C. §§ 101 *et seq.*, including one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

17. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’006 patent.

18. Samsung has been injured and damaged by Four Batons filing its Complaint asserting an invalid patent.

19. Samsung, therefore, seeks a declaration that the ’006 patent is invalid for failing to comply with one or more of the requirements set forth under United States law, including, *inter alia*, 35 U.S.C. §§ 101, 102, 103, and/or 112.

20. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT III**
**NON-INFRINGEMENT OF THE ’671 PATENT**

21. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

22. Samsung does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid claim of the ’671 patent, under any theory of infringement.

23. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’671 patent.

24. Samsung has been injured and damaged by Four Batons filing its Complaint asserting a patent that Samsung does not infringe.

25. Samsung, therefore, seeks a declaration that it does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid and enforceable claim of the ’671 patent.

26. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT IV**
**INVALIDITY OF THE ’671 PATENT**

27. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

28. The ’671 patent is invalid because the alleged invention(s) therein fail to satisfy the conditions for patentability under 35 U.S.C. §§ 101 *et seq.*, including one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

29. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’671 patent.

30. Samsung has been injured and damaged by Four Batons filing its Complaint asserting an invalid patent.

31. Samsung, therefore, seeks a declaration that the ’671 patent is invalid for failing to comply with one or more of the requirements set forth under United States law, including, *inter alia*, 35 U.S.C. §§ 101, 102, 103, and/or 112.

32. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT V**
**NON-INFRINGEMENT OF THE ’348 PATENT**

33. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

34. Samsung does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid claim of the ’348 patent, under any theory of infringement.

35. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’348 patent.

36. Samsung has been injured and damaged by Four Batons filing its Complaint asserting a patent that Samsung does not infringe.

37. Samsung, therefore, seeks a declaration that it does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid and enforceable claim of the ’348 patent.

38. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT VI**
**INVALIDITY OF THE ’348 PATENT**

39. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

40. The ’348 patent is invalid because the alleged invention(s) therein fail to satisfy the conditions for patentability under 35 U.S.C. §§ 101 *et seq.*, including one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

41. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’348 patent.

42. Samsung has been injured and damaged by Four Batons filing its Complaint asserting an invalid patent.

43. Samsung, therefore, seeks a declaration that the ’348 patent is invalid for failing to comply with one or more of the requirements set forth under United States law, including, *inter alia*, 35 U.S.C. §§ 101, 102, 103, and/or 112.

44. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT VII**
**NON-INFRINGEMENT OF THE ’436 PATENT**

45. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

46. Samsung does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid claim of the ’436 patent, under any theory of infringement.

47. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’436 patent.

48. Samsung has been injured and damaged by Four Batons filing its Complaint asserting a patent that Samsung does not infringe.

49. Samsung, therefore, seeks a declaration that it does not infringe and has not infringed (whether directly, contributorily, or by inducement), literally or under the doctrine of equivalents, any valid and enforceable claim of the ’436 patent.

50. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

**COUNT VIII**
**INVALIDITY OF THE ’436 PATENT**

51. Samsung restates and incorporates by reference the allegations contained in the foregoing paragraphs, as if fully set forth herein.

52. The ’436 patent is invalid because the alleged invention(s) therein fail to satisfy the conditions for patentability under 35 U.S.C. §§ 101 *et seq.*, including one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

53. An actual case or controversy exists between Samsung and Four Batons based on Four Batons having filed its Complaint against Samsung alleging infringement of the ’436 patent.

54. Samsung has been injured and damaged by Four Batons filing its Complaint asserting an invalid patent.

55. Samsung, therefore, seeks a declaration that the ’436 patent is invalid for failing to comply with one or more of the requirements set forth under United States law, including, *inter alia*, 35 U.S.C. §§ 101, 102, 103, and/or 112.

56. This is an exceptional case entitling Samsung to an award of its attorneys’ fees incurred in connection with the present action pursuant to 35 U.S.C. § 285.

## DEMAND FOR JURY TRIAL

Samsung respectfully demands a trial by jury on all triable issues.

## PRAYER FOR RELIEF

WHEREFORE, Samsung respectfully prays for:

A. A judgment in favor of Samsung denying Four Batons all relief requested in its Complaint for Patent Infringement, and dismissing it with prejudice;

B. A judgment in favor of Samsung on all of its Counterclaims;

C. A declaration that Samsung has not infringed and does not infringe any valid and enforceable claim of the Asserted Patents;

D. A declaration that the Asserted Patents are invalid and unenforceable;

E. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award to Samsung of its reasonable costs and expenses of litigation, including attorneys' fees and expert witness fees; and

F. Such other and further relief as the Court may deem just and proper.

Dated: August 19, 2024

Respectfully submitted,

*/s/ Jin-Suk Park*

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**CERTIFICATE OF SERVICE**

This is to certify that on August 19, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

*/s/ Melissa R. Smith*