

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

COMMSCOPE, INC. OF NORTH CAROLINA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-427-RGA
	)	
BELDEN INC. and PPC BROADBAND, INC.,	)	<u>JURY TRIAL DEMANDED</u>
	)	
Defendants.	)	
	)	

AMENDED ANSWER

Defendants Belden Inc. and PPC Broadband, Inc. (collectively, “Defendants”), by and through their undersigned counsel, as and for their Amended Answer to the Complaint of Plaintiff CommScope, Inc. of North Carolina (“CommScope”), allege as follows:

NATURE OF THE ACTION

1. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint, and therefore deny them.
2. Defendants admit the factual assertions in Paragraph 2 of the Complaint.
3. Defendants admit the factual assertions in Paragraph 3 of the Complaint.
4. Defendants admit the factual assertions in Paragraph 4 of the Complaint.
5. Defendants admit the factual assertions in Paragraph 5 of the Complaint.
6. The allegations contained in Paragraph 6 of the Complaint characterize the contents of publicly available documents that speak for themselves and/or are legal conclusions to which

no response is required. To the extent a response is required, Defendants deny the allegations contained in Paragraph 6 of the Complaint.

7. Paragraph 7 of the Complaint purports to collectively refer to Defendants as “Belden” and requires no response. To the extent a response is required, Defendants deny any allegation that fails to specify which defendant performed the alleged act and otherwise deny the allegations contained in Paragraph 7 of the Complaint.

JURISDICTION AND VENUE

8. Defendants admit that CommScope purports this action arises under the Patent Act, 35 U.S.C. § 271 *et seq.*, but Defendants deny that they infringe any valid and/or enforceable claim of U.S. Patent No. 9,266,697 (the “’697 Patent”) and deny remaining allegations and/or legal conclusions contained in Paragraph 8 of the Complaint.

9. Defendants state that the allegations set forth in Paragraph 9 of the Complaint are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in Paragraph 9 of the Complaint.

10. Defendants state that the allegations set forth in Paragraph 10 of the Complaint are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in Paragraph 10 of the Complaint.

11. Defendants state that the allegations set forth in Paragraph 11 of the Complaint are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in Paragraph 11 of the Complaint.

PATENT-IN-SUIT

12. Defendants admit that CommScope purports to bring a civil action against them for patent infringement of the ’697 Patent but deny that Defendants infringe any valid and/or

enforceable claim of the '697 Patent, and deny any remaining allegations and/or legal conclusions contained in Paragraph 12 of the Complaint.

13. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Paragraph 13 of the Complaint that CommScope is the owner of the entire right, title, and interest in and to the '697 Patent, and therefore deny it. The remaining allegations contained in Paragraph 13 of the Complaint characterize the contents of a publicly available document that speaks for itself. To the extent a response is required, Defendants deny such characterizations and otherwise deny the remaining allegations contained in Paragraph 13 of the Complaint. Defendants also note that Paragraph 13 appears to contain an inaccurate reference to a "'675 patent."

ACCUSED PRODUCTS

14. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

15. The allegations contained in Paragraph 15 of the Complaint characterize the contents of a publicly available document that speaks for itself. By way of further response, the document referenced in Paragraph 15 appears to be a true and correct copy of the document that was located at the cited hyperlink address.

16. The allegations contained in Paragraph 16 of the Complaint characterize the contents of a publicly available document that speaks for itself. By way of further response, the document referenced in Paragraph 16 appears to be a true and correct copy of the document that was located at the cited hyperlink address.

17. The allegations contained in Paragraph 17 of the Complaint characterize the contents of a publicly available document that speaks for itself. By way of further response, the document referenced in Paragraph 17 appears to be a true and correct copy of the document that was located at the cited hyperlink address.

18. The allegations contained in Paragraph 18 of the Complaint characterize the contents of a publicly available document that speaks for itself. By way of further response, the document referenced in Paragraph 18 appears to be a true and correct copy of the document that was located at the cited hyperlink address.

KNOWLEDGE OF THE PATENT-IN-SUIT

19. Defendants admit the allegations contained in Paragraph 19 of the Complaint.

FIRST CAUSE OF ACTION

20. Defendants restate and incorporate by reference their responses as set forth in the preceding paragraphs as if fully set forth herein.

21. Defendants deny the allegations contained in Paragraph 21 of the Complaint.

22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.

23. Defendants admit the allegations contained in Paragraph 23 of the Complaint.

24. The allegations contained in Paragraph 24 of the Complaint characterize the contents of a publicly available document that speaks for itself. To the extent a response is required, Defendants deny such characterizations and otherwise deny the allegations contained in Paragraph 24 of the Complaint. Defendants note that the first row, second column of the table appears to contain an inaccurate reference to “Claim 19 of ‘675 patent.”

25. Defendants admit the allegations contained in Paragraph 25 of the Complaint, but deny that their products infringe.

26. Defendants admit the allegations contained in Paragraph 26 of the Complaint, but deny that their products infringe.

27. Defendants admit the allegations contained in Paragraph 27 of the Complaint, but deny that their products infringe.

28. Defendants admit the allegations contained in Paragraph 28 of the Complaint, but deny that their products infringe.

29. The allegations contained in Paragraph 29 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 29 of the Complaint.

30. The allegations contained in Paragraph 30 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 30 of the Complaint.

31. The allegations contained in Paragraph 31 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 31 of the Complaint.

32. The allegations contained in Paragraph 32 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 32 of the Complaint.

33. Defendants admit the allegations contained in Paragraph 33 of the Complaint, but deny that their products infringe.

34. Defendants admit the allegations contained in Paragraph 34 of the Complaint, but deny that their products infringe.

35. Defendants admit the allegations contained in Paragraph 35 of the Complaint, but deny that their products infringe.

36. Defendants admit the allegations contained in Paragraph 36 of the Complaint, but deny that their products infringe.

37. The allegations contained in Paragraph 37 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. The allegations contained in Paragraph 38 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39. The allegations contained in Paragraph 39 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 39 of the Complaint.

40. The allegations contained in Paragraph 40 implicate issues of claim construction that the Court has not yet ruled on, and, for at least that reason, Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. Defendants deny the allegations contained in Paragraph 41 of the Complaint. Defendants also note that Paragraph 41 appears to contain an inaccurate reference to a “‘675 patent.”

42. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 42 of the Complaint, and therefore deny them.

43. Defendants deny the allegations contained in Paragraph 43 of the Complaint.

44. Defendants deny the allegations contained in Paragraph 44 of the Complaint.

RESPONSE TO COMMScope’S PRAYER FOR RELIEF

Defendants deny that CommScope is entitled to any relief whatsoever against Defendants in this action, either as requested in the Complaint or otherwise.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

CommScope's Complaint fails to state a claim upon which relief can be granted for at least the reason that CommScope has not pled a plausible cause of action for infringement and/or willful infringement.

SECOND DEFENSE

Defendants do not directly infringe, indirectly infringe, contribute to the infringement of, or induce infringement of any valid and/or enforceable claim of the '697 Patent, either literally or under the doctrine of equivalents, and have not otherwise committed any acts in violation of 35 U.S.C. § 271. Defendants have not manufactured, imported, sold for importation, or sold within the United States after importation, any product that is covered by any valid and/or enforceable claim of the '697 Patent.

THIRD DEFENSE

All of the claims of the '697 Patent are invalid and/or unenforceable for failure to comply with one or more of the requirements for patentability set forth in 35 U.S.C. § 1 *et seq.*, including, but not limited to, Sections 101, 102, 103, and/or 112, and/or because of double patenting.

FOURTH DEFENSE

Any recovery of damages by CommScope is limited in whole or in part by 35 U.S.C. §§ 286 and/or 287.

FIFTH DEFENSE

CommScope's claim for injunctive relief is barred because there exists an adequate remedy at law and CommScope's claims otherwise fail to meet the requirements for such relief.

RESERVATION OF OTHER DEFENSES

Defendants are investigating the facts relating to the procurement of the '697 Patent and the assertions of infringement against Defendants, and will continue to do so throughout the discovery process. To the extent that this investigation reveals any improprieties in connection with such matters, Defendants reserve all rights to seek leave to amend to assert such allegations and/or any remaining defenses pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and/or any other defenses, at law or in equity, based thereon that may be appropriate.

DEFENDANTS' PRAYER FOR RELIEF

WHEREFORE, Defendants pray for judgment in their favor and against CommScope as follows:

- A. An Order dismissing CommScope's Complaint in its entirety with prejudice, and denying all of CommScope's claims and all relief requested in CommScope's Complaint and any relief whatsoever;
- B. An Order declaring that Defendants have not and do not infringe any claim of the '697 Patent;
- C. An Order declaring this case to be exceptional under 35. U.S.C. § 285 and awarding Defendants their attorneys' fees and costs incurred in this litigation;
- D. The award of attorneys' fees, costs, and expenses incurred in connection with this action by Defendants pursuant to the equitable powers of this Court; and
- E. The award to Defendants of such other and further relief as the nature of this case may require and the Court may deem just, proper, and equitable.

JURY DEMAND

Defendants demand a trial by jury on all issues so triable.

Dated: September 25, 2024

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 25, 2024, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

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