Eric L. Wesenberg, Bar No. 139696
EWesenberg@perkinscoie.com
Christopher L Kelley, Bar No. 166608
CKelley@perkinscoie.com
Kenneth J. Halpern, Bar No. 187663
KHalpern@perkinscoie.com
Wing H. Liang, Bar No. 285521
WLiang@perkinscoie.com
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Telephone: 650.838.4300
Facsimile: 650.838.43501

Attorneys for Plaintiff
THX Ltd.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THX LTD., Plaintiff, v. APPLE INC., Defendant.	Case No. CV-13-1161 JSW **THX LTD.'S ANSWER TO APPLE INC.'S COUNTERCLAIMS** **DEMAND FOR JURY TRIAL** Hon. Jeffrey S. White

Plaintiff THX Ltd. ("THX") by and through its undersigned attorneys, hereby responds to and files this Answer to the Counterclaims asserted in defendant Apple Inc.'s ("Apple") Answer, Defenses, and Counterclaims to Amended Complaint (D.I. 26; "Answer and Counterclaims") as follows:

GENERAL DENIAL

Except as expressly admitted herein, THX denies each and every allegation in the Answer and Counterclaims.

NATURE OF THE ACTION

1. THX admits that it is the owner and assignee of all right, title, and interest in and to U.S. Patent Nos. 7,433,483 ("the '483 patent") and 8,457,340 ("the '340 patent") (collectively, "Patents-in-Suit").

2. THX admits that it has accused Apple of infringing the Patents-in-Suit. THX denies the remaining allegations in Paragraph 2.

3. THX admits that an actual case and controversy exists between the parties concerning the infringement of one or more claims of the Patents-in-Suit and that controversy is ripe for adjudication by this Court.

PARTIES

4. On information and belief, THX admits that Apple is a corporation organized under the laws of the State of California, and its principal place of business is in Cupertino, California.

5. THX has recently moved offices and on that basis denies Apple's Counterclaim allegations in Paragraph 5 regarding its principle place of business. THX's principal place of business is currently 1255 Battery, Suite 100, San Francisco, CA 94111. THX admits the remaining allegations set forth in Paragraph 5.

JURISDICTION AND VENUE

6. THX admits that Apple's Answer and Counterclaims purports to allege Counterclaims for a declaration of non-infringement and invalidity of one or more claims of the Patents-In-Suit. THX also admits that this Court has jurisdiction over Apple's Counterclaims

pursuant to at least 35 U.S.C. §§ 1331, 1338, and 2201-02. THX denies that any ground exists for Apple's Counterclaims.

7. With respect to Paragraph 7, THX does not contest that this Court has personal jurisdiction over THX for purposes of this action only.

8. With respect to Paragraph 8, THX does not contest venue in this District for purposes of this action only.

FIRST COUNTERCLAIM

(Declaration of Non-Infringement of the '483 Patent)

9. THX realleges and incorporates by reference the respective allegations, admissions, denials and objections set forth in Paragraphs 1-8 herein with respect to Apple's Counterclaims, and THX's Amended Complaint for Patent Infringement, as if set forth in full herein.

10. THX denies the allegations set forth in Paragraph 10.

11. THX denies the allegations set forth in Paragraph 11

SECOND COUNTERCLAIM

(Declaration of Invalidity of the '483 Patent)

12. THX realleges and incorporates by reference the respective allegations, admissions, denials and objections set forth in Paragraphs 1-11 herein with respect to Apple's Counterclaims, and THX's Amended Complaint for Patent Infringement, as if set forth in full herein.

13. THX denies the allegations set forth in Paragraph 13.

14. THX denies the allegations set forth in Paragraph 14.

THIRD COUNTERCLAIM

(Declaration of Non-Infringement of the '340 Patent)

15. THX realleges and incorporates by reference the respective allegations, admissions, denials and objections set forth in Paragraphs 1-14 herein with respect to Apple's Counterclaims, and THX's Amended Complaint for Patent Infringement, as if set forth in full herein.

16. THX denies the allegations set forth in Paragraph 16.

17. THX denies the allegations set forth in Paragraph 17.

FOURTH COUNTERCLAIM

(Declaration of Invalidity of the '340 Patent)

18. THX realleges and incorporates by reference the respective allegations, admissions, denials and objections set forth in Paragraphs 1-17 herein with respect to Apple's Counterclaims, and THX's Amended Complaint for Patent Infringement, as if set forth in full herein.

19. THX denies the allegations set forth in Paragraph 19.

20. THX denies the allegations set forth in Paragraph 20.

RESPONSE TO APPLE'S PRAYER FOR RELIEF

THX denies that Apple is entitled to any relief whatsoever.

DEMAND FOR JURY TRIAL

THX respectfully demands a jury trial on all issues so triable.

DATED: August 26, 2013

PERKINS COIE LLP
By: */s/ Eric L. Wesenberg*
Eric L. Wesenberg
EWesenberg@perkinscoie.com

Attorneys for Plaintiff
THX Ltd.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5-5(b).

By: */s/ Eric L. Wesenberg*
Eric L. Wesenberg