IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FLASHPOINT TECHNOLOGY, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. No. 08-140-GMS
	§	
AT&T MOBILITY, LLC, D/B/A CINGULAR WIRELESS, HTC AMERICA, INC., HTC CORP., KYOCERA WIRELESS CORP., KYOCERA CORP., LG ELECTRONICS USA, INC., LG ELECTRONICS, INC., MOTOROLA, INC., NOKIA, INC., NOKIA CORP., PALM, INC., RESEARCH IN MOTION CORP., RESEARCH IN MOTION LTD., SPRINT SPECTRUM L.P., D/B/A SPRINT PCS, T-MOBILE USA, INC., and CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS,	§	**JURY TRIAL DEMANDED**
	§	
Defendants	§	

PLAINTIFF'S REPLY TO HTC AMERICA, INC.'S COUNTERCLAIMS

Plaintiff FlashPoint Technology, Inc. ("FlashPoint") hereby responds to each paragraph of HTC America, Inc.'s ("HTC America") Counterclaims as follows:

PARTIES

1. Upon information and belief, admitted.

2. FlashPoint is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations of Paragraph 2 and therefore denies same.

3. Admitted.

4. Admitted that FlashPoint does not presently manufacture or sell any consumer products, but averred that it has previously done so. Otherwise, denied.

PATENTS-IN-SUIT

5. Admitted.

JURISDICTION AND VENUE

6. Admitted that the counterclaims purport to arise under 35 U.S.C. §§ 100, *et seq*. and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2002, but otherwise denied.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted that an actual controversy exists between FlashPoint and HTC America regarding the validity of one or more claims of U.S. Patent Nos. 6,118,480, 6,177,956, 6,222,538, 6,223,190, 6,249,316, 6,486,914, and 6,504,575 (the "patents-in-suit") and HTC America's infringement of one or more claims of the patents-in-suit, but otherwise denied.

GENERAL ALLEGATIONS

11. Denied.

12. No response to Paragraph 12 is required.

COUNT I: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,118,480

13. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

14. Denied.

15. Denied.

16. Denied.

COUNT II: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,177,956

17. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

18. Although FlashPoint is still investigating this matter, FlashPoint does not presently allege that HTC America. infringes, contributes to the infringement of, or actively induces others to infringe, any claim of the '956 patent.

19. Denied.

20. Denied.

COUNT III: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,222,538

21. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

22. Denied.

23. Denied.

24. Denied.

COUNT IV: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,223,190

25. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

26. Denied.

27. Denied.

28. Denied.

COUNT V: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,249,316

29. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

30. Although FlashPoint is still investigating this matter, FlashPoint does not presently allege that HTC America infringes, contributes to the infringement of, or actively induces others to infringe, any claim of the '316 patent.

31. Denied.

32. Denied.

COUNT VI: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,486,914

33. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

34. Although FlashPoint is still investigating this matter, FlashPoint does not presently allege that HTC America infringes, contributes to the infringement of, or actively induces others to infringe, any claim of the '914 patent.

35. Denied.

36. Denied.

COUNT VII: DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,504,575

37. FlashPoint incorporates the replies set forth to Paragraphs 1-12 as if fully set forth herein.

38. Denied.

39. Denied.

40. Denied.

PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment as follows against HTC America as follows:

A. That HTC America takes nothing by its Counterclaims;

B. That the Court award Plaintiff costs and attorneys' fees incurred in defending against these Counterclaims; and

C. Any and all further relief for Plaintiff as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

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Dated: June 23, 2008

/s/ Evan O. Williford

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CERTIFICATE OF SERVICE

I, Evan O. Williford, hereby certify that on June 23, 2008, I caused to be electronically filed a true and correct copy of the foregoing document – **Plaintiff's Reply to HTC America, Inc.'s Counterclaims** – with the Clerk of Court using CM/ECF which will send notification of such filing to the following local counsel for defendants:

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