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7 *Attorney for Defendant*
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9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Philips North America, LLC,) Case No. 2:19-cv-06301-AB (KSx)
12)
13 Plaintiff,) **DEFENDANTS' ANSWER TO**
14) **PHILIPS' SAC, AND**
15 v.) **AFFIRMATIVE DEFENSE, AND**
16) **COUNTERCLAIMS**
17)
18 Garmin International, Inc. and Garmin)
19 Ltd.)
20)
21 Defendants.)
22)

23 **DEFENDANTS' ANSWER TO PHILIPS' SAC, AND AFFIRMATIVE**
24 **DEFENSE, AND COUNTERCLAIMS**

25 Pursuant to Federal Rule of Civil Procedure ("Rule") 8(b), Defendants
26 (collectively "Garmin") answers Plaintiff's ("Philips") Second Amended Complaint
27 ("FAC"), Dkt. No. 126.

28 Garmin objects that the great bulk of Philips' FAC violates Rules 8(a) and
10(b). Garmin has made a good faith attempt to answer the factual allegations in
Philips' SAC but herein objects that a great number of paragraphs are not "limited as
far as practicable to a single set of circumstances". Fed.R.Civ.P 10(b).

NATURE OF THE ACTION

1
2 1. Garmin admits that Plaintiff Philips North America, LLC (“Philips”)
3 brings this action. Garmin denies the remainder of the allegations in this paragraph.
4

5 2. Garmin admits that Philips is a subsidiary of Koninklijke Philips N.V.
6 Garmin lacks knowledge or information sufficient to form a belief about the truth of
7 the remaining allegations in this paragraph and therefore denies same.
8

9 3. Garmin lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph and therefore denies same.
11

12 4. Garmin lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph and therefore denies same.
14

15 5. Garmin lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph and therefore denies same.
17

18 6. Garmin lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in this paragraph and therefore denies same.
20

21 7. Garmin lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in this paragraph and therefore denies same.
23

24 8. Garmin lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph and therefore denies same.
26

27 9. Garmin admits that a predecessor Garmin entity was founded in 1989
28 as ProNav, Inc. and that it offered devices for navigation, including GPS-based
products. Garmin denies the remaining allegations in this paragraph.

10. Admit that Philips has tried to persuade Garmin to take a license to

1 some of its patents since 2016. Denied as to the remaining allegations in this
2 paragraph.

3 **PARTIES**

4 11. Garmin generally denies Philips’ description of the Patents-in-Suit as
5 overly broad. As to the remaining allegations in this paragraph, Garmin lacks
6 knowledge or information sufficient to form a belief about the truth of the
7 allegations in this paragraph and therefore denies same.

8 12. Admitted.

9 13. Admitted.

10 14. Admitted except as to “infringements,” which is denied.

11 15. Admitted.

12 16. Garmin admits that it sells connected devices for athletic training that
13 employs GPS. Garmin admits that it has not taken a license to the Patents-in-Suit.
14 As to the remainder of the allegations in this paragraph, denied.

15 **JURISDICTION AND VENUE**

16 17. Garmin admits that this is an action under the patent laws. Garmin
17 admits that subject matter jurisdiction is proper in this District. Garmin denies the
18 remaining allegations in this paragraph.

19 18. Garmin International admits that jurisdiction is proper. Garmin Ltd
20 denies that personal jurisdiction is proper. As to the remaining allegations, denied.

21 19. Admit that Garmin International maintains an engineering facility at
22 said address. Remaining facts are denied.

23 20. Admit that Garmin International maintains an engineering facility at
24 said address. Remaining facts are denied.

25 21. Denied.

26 22. Denied.

27 23. Admit that jurisdiction over Garmin International is proper. Garmin
28

1 Ltd denies jurisdiction is proper but will not challenge jurisdiction for this matter
2 alone. The remaining allegations are denied.

3 24. Denied.

4 25. Admit that Garmin International ships products into California. As to
5 the remainder of the allegations, denied.

6 26. Admitted.

7 27. Denied.

8 28. Denied.

9 29. Denied.

10 30. Admitted.

11 31. Denied.

12 32. Denied.

13 33. Admit that Garmin International has engineering facilities in this
14 District.

15 34. Admitted.

16 35. Denied.

17 36. Denied.

18 **FACTUAL BACKGROUND**

19 **Philips Background and Innovation Leadership**

20 37. Garmin lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph and therefore denies same.

22 38. Garmin lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph and therefore denies same.

24 39. Garmin lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph and therefore denies same.

26 40. Garmin lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in this paragraph and therefore denies same.
28

Garmin Background and Infringement

1
2 41. Admit that Garmin International develops and sells devices that
3 measure personal fitness data such as steps walked, heart rate, and duration of sleep.
4 As to the remainder of the allegations, denied.

5 42. Admit that Garmin International develops and sells applications that
6 connect to Garmin devices. As to the remainder of the allegations, denied.

7 43. Admit that Garmin has refused to take a license to the Patents-in-Suit.
8 As to any remaining allegations, denied.

Accused Products

9
10 44. Denied.

11 45. Denied.

12 46. Garmin International admits that it ships some or all of the Accused
13 Products to this District.

14 47. Garmin International admits that its applications are available for
15 download. Philips' characterization of the April 10, 2019 press release is inaccurate
16 and on that basis denies the remainder of the allegations.

Patents-in-Suit

17
18 48. Denied.

19 49. Denied.

20 50. Denied.

U.S. Patent No. 6,013,007

21
22 51. Garmin denies that the '007 Patent is properly a "Patent-in-Suit" as it
23 has been invalidated. Garmin denies that the '007 Patent was duly and legally
24 issued. As to the remaining allegations, admitted.

25 52. Garmin lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph and therefore denies same.

U.S. Patent No. 7,088,233

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