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4 *Attorney for Defendant*
5 *Garmin Ltd.*

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

8	Philips North America, LLC,)	Case No. 2:19-cv-06301-AB (KSx)
9)	
10	Plaintiff,)	DEFENDANT GARMIN LTD.’S
11)	ANSWER, AFFIRMATIVE
12	v.)	DEFENSE, AND
13)	COUNTERCLAIMS
14	Garmin International, Inc., Garmin USA,)	
15	and Garmin Ltd. LTD)	
16	Defendants.)	

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18
19 **DEFENDANT GARMIN LTD.’S ANSWER, AFFIRMATIVE DEFENSE, AND**
20 **COUNTERCLAIMS**

21 Pursuant to Federal Rule of Civil Procedure (“Rule”) 8(b), Defendant Garmin
22 Ltd. answers Plaintiff’s (“Philips”) Complaint, Dkt. No. 1.

23 Garmin Ltd. objects that the great bulk of Philips’ Complaint violates Rules
24 8(a) and 10(b). Garmin Ltd. has made a good faith attempt to answer the factual
25 allegations in Philips’ Complaint but herein objects that nearly each paragraph is not
26 “limited as far as practicable to a single set of circumstances”. Fed.R.Civ.P 10(b).

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NATURE OF THE ACTION

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1. Garmin Ltd. admits that Plaintiff Philips North America, LLC (“Philips”) brings this action. Garmin Ltd. denies infringement and that an injunction is proper.

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

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

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

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

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

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

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

9. Garmin Ltd. admits that a predecessor Garmin entity was founded in 1989 as ProNav, Inc. and that it offered devices for navigation, including GPS-based products. Denied as to the other allegations in this paragraph.

1 10. Admit that Philips has tried to persuade Garmin Ltd. to take a license to
2 some of its patents since 2016. Denied as to the other allegations in this paragraph.

3 **PARTIES**

4 11. Garmin Ltd. admits that the Patents-in-Suit relate, in the most general
5 sense, to GPS/audio athletic training, security mechanisms for transmission of
6 personal data, connected wearable/online products, and [the] handling of interrupted
7 connections. As to the remaining allegations in this paragraph, Garmin Ltd. lacks
8 knowledge or information sufficient to form a belief about the truth of the
9 allegations in this paragraph and therefore denies same.

10 12. Admitted.

11 13. Admit that Garmin USA is organized under the laws of Kansas, denied
12 as to the remaining allegations. (Defendant Garmin USA has been dismissed from
13 this action).

14 14. Admitted.

15 15. Denied. (Defendant Garmin USA has been dismissed from this action.)

16 16. Admit that Garmin Ltd. is a Swiss company at the cited address. Deny
17 that leadership decisions relevant to this matter are made by Garmin Ltd.

18 17. Admitted.

19 18. Denied.¹

20 **JURISDICTION AND VENUE**

21 19. Garmin Ltd. admits that this is an action under the patent laws. Garmin
22 Ltd. admits that subject matter jurisdiction is proper in this District. Garmin Ltd.
23 denies the remaining allegations in this paragraph.

24 20. Denied.

26 ¹ Philips uses “Garmin” without identifying the specific Garmin entity referenced.
27 Garmin Ltd. will respond as to itself only when the generic “Garmin” is employed
28 by Philips.

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

3 22. Denied.

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

6 24. Denied.

7 25. Denied.

8 26. Denied.

9 27. Denied.

10 28. Denied.

11 29. Denied.

12 30. Admitted.

13 31. Denied.

14 32. Denied.

15 33. Denied.

16 34. Admit.

17 35. Denied.

18 36. Admitted.

19 37. Denied.

20 38. Admitted.

21 39. Denied.

22 40. Denied.

23 **FACTUAL BACKGROUND**

24 **Philips Background and Innovation Leadership**

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

27 42. Garmin Ltd. lacks knowledge or information sufficient to form a belief
28

1 about the truth of the allegations in this paragraph and therefore denies same.

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

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

6 **Garmin [Ltd.] Background and Infringement**

7 45. Denied.²

8 46. Denied.

9 47. Admit that Garmin Ltd. has refused to take a license to the Patents-in-
10 Suit. As to any remaining allegations, denied.

11 **Accused Products**

12 48. Denied.

13 49. Denied.

14 50. Denied.

15 51. Denied.

16 **Patents-in-Suit**

17 52. Denied.

18 53. Denied.

19 54. Denied.

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

21 55. Garmin Ltd. denies that the '007 Patent was duly and legally issued.
22 As to the remaining allegations, admitted.

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

25 _____
26 ² Again, Philips is improperly using “Garmin” to refer to all three Garmin entities,
27 but the entities are distinct. As to Philips’ use of “Garmin,” herein Garmin Ltd.
28 assumes that term means Garmin Ltd., and answers for itself only.

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