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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 Plaintiff,)	DEFENDANT GARMIN LTD.’S
)	CORRECTED ANSWER TO
10 v.)	PHILIPS’ FAC, AFFIRMATIVE
)	DEFENSE, AND
)	COUNTERCLAIMS
11)	
12)	
13)	
14)	
15)	
16)	
Garmin International, Inc. and Garmin Ltd.)	
)	
Defendants.)	

17
18
19 **DEFENDANT GARMIN LTD.’S CORRECTED ANSWER TO PHILIPS’**
20 **FIRST AMENDED COMPLAINT, AFFIRMATIVE DEFENSE, AND**
21 **COUNTERCLAIMS**

22 Pursuant to Federal Rule of Civil Procedure (“Rule”) 8(b), Defendant Garmin
23 Ltd. answers Plaintiff’s (“Philips”) First Amended Complaint (“FAC”), Dkt. No. 45.

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

NATURE OF THE ACTION

1
2 1. Garmin Ltd. admits that Plaintiff Philips North America, LLC
3 (“Philips”) brings this action. Garmin Ltd. denies the remainder of the allegations in
4 this paragraph.
5

6 2. Garmin Ltd. admits that Philips is a subsidiary of Koninklijke Philips
7 N.V. Gamin Ltd. lacks knowledge or information sufficient to form a belief about
8 the truth of the remaining allegations in this paragraph and therefore denies same.
9

10 3. Garmin Ltd. lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in this paragraph and therefore denies same.
12

13 4. Garmin Ltd. lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph and therefore denies same.
15

16 5. Garmin Ltd. lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in this paragraph and therefore denies same.
18

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

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

25 8. 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

28 9. Garmin Ltd. admits that a predecessor Garmin entity was founded in
29 1989 as ProNav, Inc. and that it offered devices for navigation, including GPS-based
30 products. Garmin Ltd denies the remaining 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 remaining allegations in this
3 paragraph.

4 **PARTIES**

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

12 12. Admitted.

13 13. Admitted.

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

15 15. Admitted.

16 16. Denied as to Garmin Ltd except that Garmin Ltd. admits that it has not
17 taken a license to the Patents-in-Suit.

18 **JURISDICTION AND VENUE**

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

22 18. Denied.¹

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

25 20. Admit that Garmin International maintains an engineering facility at
26 _____

27 ¹ Philips uses “Garmin” without designating the entity addressed. Throughout, Garmin Ltd. will
28 answer only as to itself, and as if “Garmin” means Garmin Ltd.

1 said address. Remaining facts are denied.

2 21. Denied.

3 22. Denied.

4 23. Denied.

5 24. Denied.

6 25. Denied.

7 26. Admitted.

8 27. Denied.

9 28. Denied.

10 29. Denied.

11 30. Admitted.

12 31. Denied.

13 32. Denied.

14 33. Denied.

15 34. Admitted.

16 35. Denied.

17 36. Denied.

18 **FACTUAL BACKGROUND**

19 **Philips Background and Innovation Leadership**

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

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

2 41. Denied.

3 42. Denied.

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

6 **Accused Products**

7 44. Denied.

8 45. Denied.

9 46. Denied.

10 47. Denied.

11 **Patents-in-Suit**

12 48. Denied.

13 49. Denied.

14 50. Denied.

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

16 51. Garmin Ltd. denies that the '007 Patent was duly and legally issued.
17 As to the remaining allegations, admitted.

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

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

21 53. Garmin Ltd. denies that the '233 Patent was duly and legally issued.
22 As to the remaining allegations, admitted.

23 54. 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 **U.S. Patent No. 8,277,377**

26 55. Garmin Ltd. denies that the '377 Patent was duly and legally issued.
27 As to the remaining allegations, admitted.

28

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