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*Philips North America LLC*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

Philips North America LLC,

*Plaintiff,*

v.

Garmin International, Inc.  
and Garmin Ltd.,

*Defendants.*

Case No. 2:19-cv-06301-AB-KS

**PHILIPS NORTH AMERICA, LLC'S  
ANSWER TO DEFENDANT GARMIN  
INTERNATIONAL, INC.'S  
COUNTERCLAIMS**

**PHILIPS NORTH AMERICA, LLC’S**  
**ANSWER TO DEFENDANT GARMIN INTERNATIONAL, INC’S**  
**COUNTERCLAIMS**

Plaintiff Philips North America LLC (“Philips”), by and through its undersigned counsel, hereby answer Defendant and Counterclaimant Garmin International, Inc.’s (“Garmin International”) counterclaims. Philips denies Garmin International’s Counterclaims unless as expressly admitted in the following paragraphs:

**PARTIES, JURISDICTION, VENUE**

1. Counterclaim Plaintiff Garmin International has two engineering facilities in this District.

**ANSWER:**

Admitted.

2. Counterclaim Defendant Philips North America, LLC is a Delaware limited liability company.

**ANSWER:**

Admitted.

3. This Court has subject matter jurisdiction over Garmin International’s counterclaims pursuant to 35 U.S.C. § 271 et seq., and 28 U.S.C. §§ 1331, 1338, and 2201-02.

**ANSWER:**

Admitted.

4. Neither party challenges venue for this action alone.

**ANSWER:**

Admitted.

**MATERIAL FACTS**

1  
2 5. Philips alleges, “For years, Philips has repeatedly offered to license rights in  
3 the Patents-in-Suit to Garmin, but Garmin has repeatedly refused to accept Philips’ offers  
4 to license.” (FAC, Dkt. No. 45, ¶10.)

5 **ANSWER:**

6 Admitted.

7  
8 6. Philips’ Complaint and First Amended Complaint both allege that Philips  
9 provided pre-suit notice to Garmin of each of the Patents-in-Suit.

10 **ANSWER:**

11 Philips admits that Philips provided actual notice of infringement to Garmin of the  
12 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
13 Complaint. Otherwise, denied.

14  
15 7. But, prior to suit, Philips never mentioned four of the six Patents-in-Suit to  
16 Garmin.

17 **ANSWER:**

18 Philips admits that Philips provided actual notice of infringement to Garmin of the  
19 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
20 Complaint. Otherwise, denied.

21  
22 8. Philips never mentioned the ’377 or ’958 Patents to Garmin prior to filing  
23 the instant Complaint, Dkt. No. 1.

24 **ANSWER:**

25 Philips admits that Philips provided actual notice of infringement to Garmin of the  
26 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
27 Complaint. Otherwise, denied.

1 9. Philips never provided copies of the '377 or '958 Patents to Garmin prior to  
2 filing the instant Complaint.

3 **ANSWER:**

4 Philips admits that Philips provided actual notice of infringement to Garmin of the  
5 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
6 Complaint. Otherwise, denied.

7  
8 10. Philips never mentioned the '192 or '542 Patents to Garmin prior to filing the  
9 instant Complaint.

10 **ANSWER:**

11 Philips admits that Philips provided actual notice of infringement to Garmin of the  
12 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
13 Complaint. Otherwise, denied.

14  
15 11. Philips never provided copies of the '192 or '542 Patents to Garmin prior to  
16 filing the instant Complaint.

17 **ANSWER:**

18 Philips admits that Philips provided actual notice of infringement to Garmin of the  
19 Patents-in-Suit either before or with the filing of the Complaint and the First Amended  
20 Complaint. Otherwise, denied.

21  
22 12. Garmin (Europe) Limited was engaged in litigation in Europe with  
23 KONINKLIJKE PHILIPS N.V., the parent of Philips, over European Patent No.  
24 1,076,806B1 (the "UK Litigation").

25 **ANSWER:**

26 Philips admits that there was a Case No.: HP-2007-000068, between Garmin  
27 (Europe) Limited, Garmin International, Inc. and Koninklijke Philips N.V., a company  
28 existing under the laws of the Kingdom on the Netherlands, before the Royal Courts of

1 Justice of England and Wales (the '068 foreign litigation), and that the '068 foreign  
2 litigation is not relevant to this action. Otherwise, denied.

3  
4 13. Philips' First Amended Complaint fails to mention the UK Litigation.

5 **ANSWER:**

6 Philips admits that there was the '068 foreign litigation and that the '068 foreign  
7 litigation is not relevant to this action. Otherwise, denied.

8  
9 14. EP1,076,806B1 is the PCT patent in the same family as the '007, claiming  
10 priority to the '007 Patent

11 **ANSWER:**

12 Denied.

13  
14 15. The claims of the EP1,076,806B1 are indistinguishable from those of the '007  
15 Patent.

16 **ANSWER:**

17 Denied.

18  
19 16. The text in this table represents Claims 1, 5, 26 and 27 of EP1,076,806B1 and  
20 asserted claims 1, 21 and 23 of the '007 Patent:

21 **ANSWER:**

22 Philips admits that the construction and interpretation of claims of  
23 EP(UK)1,076,806B1 (the '806 foreign UK patent) was performed under the procedural  
24 rules and substantive laws of the Royal Courts of Justice of England and Wales and is not  
25 relevant to this action. Otherwise, denied.

26  
27 17. Claims of the EP1,076,806B1 were invalidated in the UK Litigation.

28 **ANSWER:**

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