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**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
LTD.'S COUNTERCLAIMS**

PHILIPS NORTH AMERICA, LLC’S
ANSWER TO DEFENDANT GARMIN LTD.’S COUNTERCLAIMS

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

PARTIES, JURISDICTION, VENUE

1. Counterclaim Plaintiff Garmin Ltd. is a Swiss corporation with no presence in this District.

ANSWER:

Phillips admits that Garmin Ltd. is a Swiss corporation. Otherwise, denied.

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

ANSWER:

Admitted.

3. This Court has subject matter jurisdiction over Garmin Ltd.’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

5. Philips alleges, “For years, Philips has repeatedly offered to license rights in

1 the Patents-in-Suit to Garmin, but Garmin has repeatedly refused to accept Philips' offers
2 to license." (FAC, ¶10.)

3 **ANSWER:**

4 Admitted.

5
6 6. Philips' Complaint alleges that it provided notice to Garmin of each of the
7 Patents-in-Suit.

8 **ANSWER:**

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

12
13 7. But, prior to suit, Philips never mentioned four of the six Patents-in-Suit to
14 Garmin.

15 **ANSWER:**

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

19
20 8. Philips never mentioned the '377 or '958 Patents to Garmin prior to filing
21 the instant Complaint.

22 **ANSWER:**

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

26
27 9. Philips never provided copies of the '377 or '958 Patents to Garmin prior to
28 filing the instant Complaint.

1 **ANSWER:**

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

5
6 10. Philips never mentioned the '192 or '542 Patents to Garmin prior to filing the
7 instant Complaint.

8 **ANSWER:**

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

12
13 11. Philips never provided copies of the '192 or '542 Patents to Garmin prior to
14 filing the instant Complaint.

15 **ANSWER:**

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

19
20 12. Garmin (Europe) Limited was engaged in litigation in Europe with
21 KONINKLIJKE PHILIPS N.V., the parent of Philips, over European Patent No.
22 1,076,806B1 (the "UK Litigation").

23 **ANSWER:**

24 Philips admits that there was a Case No.: HP-2007-000068, between Garmin
25 (Europe) Limited, Garmin International, Inc. and Koninklijke Philips N.V., a company
26 existing under the laws of the Kingdom on the Netherlands, before the Royal Courts of
27 Justice of England and Wales (the '068 foreign litigation), and that the '068 foreign
28 litigation is not relevant to this action. Otherwise, denied.

1
2 13. Philips' Complaint fails to mention the UK Litigation.

3 **ANSWER:**

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

6
7 14. EP1,076,806B1 is the PCT patent in the same family as the '007, claiming
8 priority to the '007 Patent

9 **ANSWER:**

10 Denied.

11
12 15. The claims of the EP1,076,806B1 are indistinguishable from those of the '007
13 Patent.

14 **ANSWER:**

15 Denied.

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

19 **ANSWER:**

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

24
25 17. Claims of the EP1,076,806B1 were invalidated in the UK Litigation.

26 **ANSWER:**

27 Philips admits that some claims of '806 foreign UK patent were found to satisfy the
28 procedural rules and substantive laws of the Royal Courts of Justice of England and Wales

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