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15  
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17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

21  
22 FISHER-PRICE, INC. and  
MATTEL, INC.,  
23  
24 **Plaintiffs,**  
25 v.  
26 DYNACRAFT BSC, INC.,  
27 **Defendant.**

Case No. 17-CV-03745-LB

**DEFENDANT DYNACRAFT'S  
ANSWER TO COMPLAINT**

**Jury Trial Demanded**

1 Defendant Dynacraft BSC, Inc. (“Dynacraft”) answers Plaintiffs Fisher-Price, Inc. and  
2 Mattel, Inc.’s Complaint as follows:

3 **The Parties**

4 1. Plaintiff Fisher-Price, a corporation organized under the laws of Delaware having  
5 its principal place of business in East Aurora, New York, is one of the world’s leading designers  
6 and makers of children’s products, including battery-powered ride-on products. Fisher-Price’s  
7 battery-powered ride-ons are sold under the Power Wheels name, and Power Wheels is a  
8 recognized brand leader in the battery-powered ride-on market segment. Fisher-Price is a wholly-  
9 owned subsidiary of Mattel.

10 **ANSWER:** Dynacraft denies that Fisher-Price is one of the world’s leading designers  
11 and makers of children’s products, including battery-powered ride-on products. Dynacraft denies  
12 that Power Wheels is a recognized brand leader in the battery-powered ride-on market segment.  
13 Dynacraft lacks knowledge or information sufficient to form a belief about the truth of the  
14 remaining allegations set forth in Paragraph 1 of the Complaint.

15 2. Plaintiff Mattel, a corporation organized under the laws of Delaware having its  
16 principal place of business in El Segundo, California, is one of the world’s leading designers and  
17 makers of toys.

18 **ANSWER:** Dynacraft denies that Mattel is one of the world’s leading designers and  
19 makers of toys. Dynacraft lacks knowledge or information sufficient to form a belief about the  
20 truth of the remaining allegations set forth in Paragraph 2 of the Complaint.

21 3. On information and belief, defendant Dynacraft is a corporation organized and  
22 existing under the laws of the Commonwealth of Massachusetts and having a principal place of  
23 business at 89 South Kelly Road, American Canyon, CA 94503.

24 **ANSWER:** Dynacraft admits the allegations contained in Paragraph 3.

25 **Jurisdiction and Venue**

26 4. This action arises under the patent laws of the United States of America, 35 U.S.C.  
27 § 1, *et seq.*

28 **ANSWER:** Dynacraft admits that this is an action for patent infringement arising under

1 the patent laws of the United States of America, 35 U.S.C. §1 et seq. Dynacraft denies the  
2 remaining allegations set forth in Paragraph 4 of the Complaint.

3 5. This Court has jurisdiction over the subject matter of the action pursuant to 28  
4 U.S.C. §§ 1331 and 1338(a).

5 **ANSWER:** Dynacraft admits the allegations set forth in Paragraph 5 of the Complaint.

6 6. This Court has personal jurisdiction over Dynacraft because upon information and  
7 belief, it conducts business in this judicial district and has committed acts of patent infringement  
8 in the judicial district including, *inter alia*, making, using, selling, offering for sale, and/or  
9 importing infringing ride-on products, including the 24V Disney Princess Carriage ride-on  
10 product (hereinafter “Accused Products”) in this judicial district. In addition, Dynacraft regularly  
11 places its products within the stream of commerce, with the knowledge and/or understanding that  
12 such products will be sold in this judicial district.

13 **ANSWER:** Dynacraft admits that this is Court has personal jurisdiction over it.  
14 Dynacraft admits that it conducts business in this judicial district including, *inter alia*, using,  
15 selling, and offering for sale the 24V Disney Princess Carriage ride-on product. Dynacraft denies  
16 the remaining allegations set forth in Paragraph 6 of the Complaint.

17 7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c)  
18 and § 1400(b).

19 **ANSWER:** Dynacraft admits that venue is proper in this judicial district under 28  
20 U.S.C. § 1400(b). Dynacraft denies any remaining allegations set forth in Paragraph 7 of the  
21 Complaint.

### 22 **Background**

23 8. United States Patent No. 7,222,684 (“the ’684 patent”), entitled “System,  
24 Apparatus, and Method for Providing Control of a Toy Vehicle,” was duly and legally issued on  
25 May 29, 2007 naming David A. Norman, Robert H. Mimlitch, III, and Richard Torrance as  
26 inventors, and is in full force and effect. A true and correct copy of the ’684 patent is attached as  
27 Exhibit A.

28 **ANSWER:** Dynacraft admits that the ’684 patent is entitled “System, Apparatus, and

1 Method for Providing Control of a Toy Vehicle.” Dynacraft admits that the ’684 patent names  
2 David A. Norman, Robert H. Mimlitch, III, and Richard Torrance as inventors. Dynacraft admits  
3 that a purported copy of the ’684 patent is attached as Exhibit A to the Complaint. Dynacraft  
4 lacks knowledge or information sufficient to form a belief about the truth of any of the remaining  
5 allegations set forth in Paragraph 8 of the Complaint.

6 9. Plaintiff Mattel is the owner of the ’684 patent by way of assignment from  
7 Innovation First, Inc.

8 **ANSWER:** Dynacraft lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations set forth in Paragraph 9 of the Complaint

10 10. United States Patent No. 7,487,850 (“the ’850 patent”), entitled “Children’s Ride-  
11 On Vehicles Having Improved Shifter Assemblies,” was duly and legally issued on February 10,  
12 2009 naming Christopher F. Lucas and John Rhein as inventors, and is in full force and effect. A  
13 true and correct copy of the ’850 patent is attached as Exhibit B.

14 **ANSWER:** Dynacraft admits that the ’850 patent is entitled “Children’s Ride-On  
15 Vehicles Having Improved Shifter Assemblies.” Dynacraft admits that the ’850 patent names  
16 Christopher F. Lucas and John Rhein as inventors. Dynacraft admits that a purported copy of the  
17 ’850 patent is attached as Exhibit B to the Complaint. Dynacraft lacks knowledge or information  
18 sufficient to form a belief about the truth of any of the remaining allegations set forth in  
19 Paragraph 10 of the Complaint.

20 11. Plaintiff Mattel is the owner of the ’850 patent by way of assignments from  
21 Christopher F. Lucas and John Rhein.

22 **ANSWER:** Dynacraft lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations set forth in Paragraph 11 of the Complaint.

24 12. United States Patent No. 7,621,543 (“the ’543 patent”), entitled “Blow-Molded  
25 Wheels Having Undercut Treads, Methods for Producing the Same, and Children’s Ride-On  
26 Vehicles Including the Same,” was duly and legally issued on November 24, 2009 naming Albert  
27 L. Arendt, James R. Carducci, and Christopher F. Lucas as inventors, and is in full force and  
28 effect. A true and correct copy of the ’543 patent is attached as Exhibit C.

1           **ANSWER:**   Dynacraft admits that the '543 patent is entitled "Blow-Molded Wheels  
2 Having Undercut Treads, Methods for Producing the Same, and Children's Ride-On Vehicles  
3 Including the Same." Dynacraft admits that the '543 patent names Albert L. Arendt, James R  
4 Carducci, and Christopher F. Lucas as inventors. Dynacraft admits that a purported copy of the  
5 '543 patent is attached as Exhibit C to the Complaint. Dynacraft lacks knowledge or information  
6 sufficient to form a belief about the truth of any of the remaining allegations set forth in  
7 Paragraph 12 of the Complaint.

8           13.     Plaintiff Mattel is the owner of the '543 patent by way of assignments from Albert  
9 L. Arendt, Christopher F. Lucas, and James R. Carducci.

10           **ANSWER:**   Dynacraft lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations set forth in Paragraph 13 of the Complaint.

12           14.     United States Patent No. 7,950,978 ("the '978 patent"), entitled "System,  
13 Apparatus and Method for Providing Control of a Toy Vehicle," was duly and legally issued on  
14 May 31, 2011 naming David A. Norman, Robert H. Mimlitch, III, and Richard D. Torrance as  
15 inventors, and is in full force and effect. A true and correct copy of the '978 patent is attached as  
16 Exhibit D.

17           **ANSWER:**   Dynacraft admits that the '978 patent is entitled "System, Apparatus and  
18 Method for Providing Control of a Toy Vehicle." Dynacraft admits that the '978 patent names  
19 David A. Norman, Robert H. Mimlitch, III, and Richard D. Torrance as inventors. Dynacraft  
20 admits that a purported copy of the '978 patent is attached as Exhibit D to the Complaint.  
21 Dynacraft lacks knowledge or information sufficient to form a belief about the truth of any of the  
22 remaining allegations set forth in Paragraph 14 of the Complaint.

23           15.     Plaintiff Mattel is the owner of the '978 patent by way of assignment from  
24 Innovation First, Inc.

25           **ANSWER:**   Dynacraft lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations set forth in Paragraph 15 of the Complaint.

27           16.     Plaintiff Mattel has granted Plaintiff Fisher-Price an exclusive license to the '684  
28 patent, the '850 patent, the '543 patent, and the '978 patent and Plaintiff Fisher-Price has the sole

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