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6 *Attorneys for Plaintiff and Counter-Defendant*
7 *Memjet Technology Ltd. and Third-Party*
8 *Defendants Memjet Ltd., Memjet US Services*
9 *Inc. and Memjet Holdings Ltd.*

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 MEMJET TECHNOLOGY LIMITED,

13 Plaintiff,

14 vs.

15 HEWLETT-PACKARD COMPANY,

16 Defendant.

17 HEWLETT-PACKARD COMPANY,

18 Counter-Claimant,

19 vs.

20 MEMJET TECHNOLOGY LIMITED,

21 Counter-Defendant.

22 HEWLETT-PACKARD COMPANY,

23 Third-Party Plaintiff,

24 vs.

25 MEMJET LTD., MEMJET US
SERVICES INC., and MEMJET
26 HOLDINGS LTD.

27 Third-Party Defendants.
28

Case No. 3:15-cv-01769-BEN-BLM

**MEMJET TECHNOLOGY LTD.’S,
MEMJET LTD.’S, MEMJET US
SERVICES INC.’S AND MEMJET
HOLDINGS LTD.’S ANSWER,
AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS IN RESPONSE
TO HP INC.’S FIRST AMENDED
ANSWER TO
COMPLAINT FOR PATENT
INFRINGEMENT,
COUNTERCLAIMS, AND
THIRD-PARTY COMPLAINT**

JURY TRIAL DEMANDED

1 Plaintiff and Counter-Defendant Memjet Technology Limited and Third-Party
2 Defendants Memjet Ltd., Memjet US Services Inc. and Memjet Holdings Ltd.
3 (collectively “Memjet”) answer the allegations of Hewlett-Packard Company’s
4 (renamed HP Inc.) (“HP”) First Amended Counterclaims and Third-Party Complaint
5 (“HP’s Claims”) as follows:

6 **GENERAL DENIAL**

7 Unless specifically admitted below, Memjet denies each and every allegation
8 in HP’s Claims.

9 **NATURE OF THE CLAIMS**

10 1. Memjet admits that HP’s Claims purportedly include claims for patent
11 infringement asserted against Memjet. Memjet denies any liability and denies the
12 remaining allegations to the extent a response is required.

13 **PARTIES**

14 2. Memjet admits that, upon information and belief, HP is a corporation
15 organized under the laws of the State of Delaware, and as of the filing of its Claims,
16 had a principal place of business located at 3000 Hanover Street, Palo Alto, CA
17 94304-1185.

18 3. Memjet admits that Memjet Technology Limited (“Memjet
19 Technology”) is a corporation organized under the laws of Ireland, with its principal
20 place of business at 61/62 Fitzwilliam Lane, Dublin 2, Ireland.

21 4. Memjet admits that Memjet Ltd. is a limited company organized under
22 the laws of Ireland, with its principal place of business at 61/62 Fitzwilliam Lane,
23 Dublin 2, Ireland. Memjet denies any remaining allegations of Paragraph 4.

24 5. Memjet admits that Memjet US Services Inc. is a corporation organized
25 under the laws of Delaware, with its principal place of business at 10918
26 Technology Place, San Diego, California 92127.

27 6. Memjet admits that Memjet Holdings Ltd. is a limited company
28 organized under the laws of Ireland, with its principal place of business at 61/62

1 Fitzwilliam Lane, Dublin 2, Ireland. Memjet denies any remaining allegations of
2 Paragraph 6.

3 **JURISDICTION AND VENUE**

4 7. Memjet admits that HP's Claims concern an action purportedly arising
5 under the patent laws of the United States and on that basis admits that this Court
6 has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and
7 1338(a), and 28 U.S.C. §§ 2201 *et seq.*

8 8. For purposes of this action only and in lieu of service through the
9 Hague Convention, Memjet agreed to accept service of HP's first amended Third-
10 Party Complaint and to not dispute the propriety of personal jurisdiction. Memjet
11 denies the remaining allegations of Paragraph 8.

12 9. For purposes of this action only and in lieu of service through the
13 Hague Convention, Memjet agreed to accept service of HP's first amended Third-
14 Party Complaint and to not dispute the propriety of personal jurisdiction. Memjet
15 US Services Inc. admits that it maintains a place of business and conducts business
16 within this district. Memjet denies the remaining allegations of Paragraph 9.

17 10. For purposes of this action only, Memjet admits that venue is proper in
18 this District for HP's Counterclaims against Memjet Technology because Memjet
19 Technology filed its Complaint in this District.

20 11. For purposes of this action only and in lieu of service through the
21 Hague Convention, Memjet agreed to accept service of HP's first amended Third-
22 Party Complaint and to not dispute the propriety of personal jurisdiction, and on that
23 basis, does not dispute the propriety of venue. Memjet US Services Inc. admits that
24 it maintains a place of business within this district. Memjet denies the remaining
25 allegations of Paragraph 11.

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1 **COUNT ONE**

2 **(Declaratory Judgment of Non-Infringement of the '549 Patent)**

3 12. Memjet restates its responses to the allegations set forth in the
4 foregoing paragraphs and incorporates them by reference, as if set forth fully herein.

5 13. Memjet Technology admits that it alleges HP has infringed and is
6 infringing the '549 patent and that it is entitled to relief for HP's infringement.
7 Memjet Technology admits that a justiciable controversy exists between Memjet
8 Technology and HP regarding HP's infringement of the '549 patent. Memjet
9 Technology denies that HP has not and does not infringe any claim of the '549
10 patent. Memjet denies any remaining allegations of Paragraph 13.

11 14. Memjet Technology admits that HP purportedly seeks a declaratory
12 judgment that it has not infringed and does not infringe the '549 patent or any valid
13 and enforceable claim thereof. Memjet Technology denies that HP's Counterclaim
14 has merit. Memjet denies any remaining allegations of Paragraph 14.

15 15. Memjet Technology denies the allegations of Paragraph 15. Memjet
16 denies any remaining allegations of Paragraph 15.

17 **COUNT TWO**

18 **(Declaratory Judgment of Invalidity of the '549 Patent)**

19 16. Memjet restates its responses to the allegations set forth in the
20 foregoing paragraphs and incorporates them by reference, as if set forth fully herein.

21 17. Memjet Technology admits that it alleges HP has infringed and is
22 infringing the '549 patent and that it is entitled to relief for HP's infringement.
23 Memjet Technology admits that a justiciable controversy exists between Memjet
24 Technology and HP regarding the validity of the '549 patent. Memjet Technology
25 denies that the '549 patent is invalid. Memjet denies any remaining allegations of
26 Paragraph 17.

27 18. Memjet Technology admits that HP purportedly seeks a declaratory
28 judgment that the '549 patent is invalid. Memjet Technology denies that HP's

1 Counterclaim has merit. Memjet denies any remaining allegations of Paragraph
2 18.

3 19. Memjet Technology denies the allegations of Paragraph 19. Memjet
4 denies any remaining allegations of Paragraph 19.

5 **COUNT THREE**

6 **(Declaratory Judgment of Non-Infringement of the '914 Patent)**

7 20. Memjet restates its responses to the allegations set forth in the
8 foregoing paragraphs and incorporates them by reference, as if set forth fully herein.

9 21. Memjet Technology admits that it alleges HP has infringed and is
10 infringing the '914 patent and that it is entitled to relief for HP's infringement.
11 Memjet Technology admits that a justiciable controversy exists between Memjet
12 Technology and HP regarding HP's infringement of the '914 patent. Memjet
13 Technology denies that HP has not and does not infringe any claim of the '914
14 patent. Memjet denies any remaining allegations of Paragraph 21.

15 22. Memjet Technology admits that HP purportedly seeks a declaratory
16 judgment that it has not infringed and does not infringe the '914 patent or any valid
17 and enforceable claim thereof. Memjet Technology denies that HP's Counterclaim
18 has merit. Memjet denies any remaining allegations of Paragraph 22.

19 23. Memjet Technology denies the allegations of Paragraph 23. Memjet
20 denies any remaining allegations of Paragraph 23.

21 **COUNT FOUR**

22 **(Declaratory Judgment of Invalidity of the '914 Patent)**

23 24. Memjet restates its responses to the allegations set forth in the
24 foregoing paragraphs and incorporates them by reference, as if set forth fully herein.

25 25. Memjet Technology admits that it alleges HP has infringed and is
26 infringing the '914 patent and that it is entitled to relief for HP's infringement.
27 Memjet Technology admits that a justiciable controversy exists between Memjet
28 Technology and HP regarding the validity of the '914 patent. Memjet Technology

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