

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ENZO LIFE SCIENCES, INC.,)	
)	
Plaintiff,)	C.A. No. 1:12-CV-00274-LPS
)	
v.)	JURY TRIAL DEMANDED
)	
ABBOTT LABORATORIES and)	
ABBOTT MOLECULAR INC.,)	
)	
Defendants,)	
)	
and)	
)	
LUMINEX CORPORATION,)	
)	
Intervenor-Defendant.)	

**LUMINEX CORPORATION’S ANSWER AND COUNTER-COUNTERCLAIMS
TO PLAINTIFF’S AMENDED ANSWER AND COUNTERCLAIMS**

Intervenor-Defendant and Counterclaim-Plaintiff Luminex Corporation (“Luminex”) answers Plaintiff Enzo Life Sciences, Inc.’s (“Enzo” or “Plaintiff”) Counterclaims as set forth in Enzo’s Amended Answer and Counterclaims to Luminex’s Counterclaims (D.I. 88) as follows. The numbered Paragraphs below correspond to the numbered Paragraphs in Enzo’s Counterclaims:

PARTIES

1. Admitted, based on information and belief.
2. Admitted.

NATURE OF THE ACTION

3. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex admits that Enzo’s Counterclaims are

purportedly for the alleged infringement of United States Patent Nos. 7,064,197 (“the ’197 Patent”) 8,097,405 (“the ’405 Patent”), and 6,992,180 (“the ’180 Patent”) under the Patent Laws of the United States, 35 U.S.C. § 1, et seq. Luminex denies all other allegations of Paragraph 3.

JURISDICTION AND VENUE

4. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex admits this Court has subject matter jurisdiction over this action. Luminex denies all remaining allegations in Paragraph 4.

5. This Paragraph contains legal conclusions to which no response is required. Luminex admits that it is a Delaware corporation and that it consented to the jurisdiction of this Court for purposes of this action only. Luminex denies all remaining allegations in Paragraph 5.

6. This Paragraph contains legal conclusions to which no response is required. Luminex denies all allegations in Paragraph 6.

7. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex does not currently contest that venue in this Court is proper for purposes of this action only.

THE PATENTS-IN-SUIT

8. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex admits the ’197 Patent is entitled “System, Array and Non-Porous Solid Support Comprising Fixed or Immobilized Nucleic Acids,” the issue date is January 31, 2006, and that an uncertified copy of the ’197 Patent was attached as Exhibit A to Plaintiff’s Amended Answer and Counterclaims. Luminex denies that the ’197 Patent was duly or legally issued, and further denies any remaining allegations in Paragraph 8.

9. This Paragraph contains legal conclusions to which no response is required. Luminex denies all allegations in Paragraph 9.

10. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex admits the '405 Patent is entitled "Nucleic Acid Sequencing Processes Using Non-Radioactive Detectable Modified or Labeled Nucleotide Analogs and Other processes for Nucleic Acid Detection and Chromosomal Characterization Using Such Non-Radioactive Detectable Modified or Labeled Nucleotides or Nucleotide Analogs ," the issue date is January 17, 2012, and that an uncertified copy of the '405 Patent was attached as Exhibit B to Plaintiff's Amended Answer and Counterclaims. Luminex denies that the '405 Patent was duly or legally issued, and further denies any remaining allegations in Paragraph 10.

11. This Paragraph contains legal conclusions to which no response is required. Luminex denies all allegations in Paragraph 11.

12. This Paragraph contains legal conclusions to which no response is required. To the extent that a response is deemed required, Luminex admits the '180 Patent is entitled "Oligo- or Polynucleotides Comprising Phosphate-Moiety Labeled Nucleotides," the issue date is January 31, 2006, and that an uncertified copy of the '180 Patent was attached as Exhibit C to Plaintiff's Amended Answer and Counterclaims. Luminex denies that the '180 Patent was duly or legally issued, and further denies any remaining allegations in Paragraph 12.

13. This Paragraph contains legal conclusions to which no response is required. Luminex denies all allegations in Paragraph 13.

COUNT I

Infringement Of The '197 Patent

14. Luminex repeats and reasserts its responses to Paragraphs 1-13 as if fully set forth herein.

15. Denied.

16. Luminex admits that it had knowledge of the existence of the '197 Patent no later than November 28, 2012, when Luminex moved to intervene in this action. Luminex admits that it learned of this action from Abbott. Luminex denies all remaining allegations of paragraph 16.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

COUNT II

Infringement Of The '405 Patent

21. Luminex repeats and reasserts its responses to Paragraphs 1-20 as if fully set forth herein.

22. Denied.

23. Luminex admits that it received a letter from Enzo bearing the date January 2, 2013, concerning the '405 Patent and Enzo's allegations of infringement. Luminex denies all remaining allegations of paragraph 23.

24. Denied.

25. Denied.

26. Denied.

COUNT III
Infringement Of The '180 Patent

27. Luminex repeats and reasserts its responses to Paragraphs 1-26 as if fully set forth herein.

28. Denied.

29. Luminex admits that it had knowledge of the existence of the '180 Patent no later than November 28, 2012, when Luminex moved to intervene in this action. Luminex denies all remaining allegations of paragraph 16.

30. Denied.

31. Denied.

32. Denied.

PRAYER FOR RELIEF

The Prayer for Relief does not contain any allegations and thus does not require a response. To the extent a response is deemed required, Luminex denies that Enzo is entitled to any relief against Luminex with respect to the '197, '405, and '180 Patents.

AFFIRMATIVE DEFENSES

Luminex denies that Enzo is entitled to any relief against Luminex with respect to the '197, '405, and '180 Patents. Upon information and belief, Luminex asserts the following defenses to Enzo's Counterclaims. By asserting such defenses, Luminex does not concede that it has the burden of proving the matters asserted.

First Defense

Enzo's Counterclaims, in whole or in part, fails to state a claim upon which relief may be granted.

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