

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC.,

Plaintiff,

v.

PLAID TECHNOLOGIES INC.,

Defendant.

14-1445-LPS-CJB

JURY TRIAL DEMANDED

PUBLIC VERSION

YODLEE, INC.'S ANSWER TO PLAID TECHNOLOGIES, INC.'S COUNTERCLAIMS

Plaintiff Yodlee, Inc. (“Yodlee”) answers the Counterclaims of Defendant Plaid Technologies, Inc. (“Plaid”) as follows. The paragraphs are numbered to correspond to the numbered paragraphs of Plaid’s Counterclaims against Yodlee. Except as expressly admitted below, Yodlee denies the allegations and characterizations in Plaid’s Counterclaims.

ANSWER TO COUNTERCLAIMS

THE PARTIES

120. Yodlee admits that, on information and belief, Plaid is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 564 Market Street, San Francisco, California 94104. Yodlee is without sufficient knowledge or information to admit or deny the remaining allegations set forth in Paragraph 120 of Plaid’s Counterclaims and, on that basis, denies them.

121. Yodlee admits that Yodlee is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 3600 Bridge Parkway, Suite 200, Redwood City, California 94065. Yodlee further admits that it owns and operates a business that, among other things, offers to software developers application programming interfaces that gather

and/or process personal financial data. Yodlee otherwise denies all allegations of Paragraph 121 not specifically admitted.

JURISDICTION AND VENUE

122. Yodlee admits that Plaid's counterclaims 1 through 21 purport to seek a declaratory judgment that the patents-in-suit are not infringed, invalid and unenforceable under the Patent Laws of the United States, Title 35, United States Code § 101, *et seq.*, and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 and 2202. Yodlee admits that it has sued Plaid for infringement of United States Patent No. 6,199,077 (the "'077 patent"), United States Patent No. 6,317,783 (the "'783 patent"), United States Patent No. 6,510,451 (the "'451 patent"), United States Patent No. 7,263,548 (the "'548 patent"), United States Patent No. 7,424,520 (the "'520 patent"), United States Patent No. 7,752,535 (the "'535 patent"), and United States Patent No. 8,266,515 (the "'515 patent") (collectively, "Asserted Patents") under 35 U.S.C. §§ 271, *et seq.* Yodlee denies that Plaid is entitled to any relief pursuant to its Counterclaims because each of the Asserted Patents is infringed by Plaid and is valid and enforceable. The remaining allegations of Paragraph 121 contain legal conclusions to which no answer is required. To the extent an answer is required, said allegations are denied.

123. Yodlee admits that Plaid's 22nd counterclaim purports to assert a violation of section 2 of the Sherman Antitrust Act, 15 U.S.C. § 2. Yodlee denies that Plaid is entitled to any relief pursuant to its Counterclaims. Yodlee denies the remaining allegations of Paragraph 123.

124. Yodlee admits that Plaid's 23rd and 24th counterclaims purport to assert violations of Cal. Bus. & Prof. Code section 17200 and "the common law." Yodlee denies that Plaid is entitled to any relief pursuant to its Counterclaims. Yodlee further admits that Yodlee is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at

3600 Bridge Parkway, Suite 200, Redwood City, California 94065. Yodlee further admits that, on information and belief, Plaid is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 564 Market Street, San Francisco, California 94104. Yodlee denies the remaining allegations of Paragraph 124.

125. Yodlee admits that Plaid's 25th counterclaim purports to assert a violation of "common law unfair competition law" and the Lanham Act, 15 U.S.C. § 1125(a). Yodlee denies that Plaid is entitled to any relief pursuant to its Counterclaims. Yodlee denies the remaining allegations of Paragraph 125.

126. Yodlee admits that this Court now has subject matter jurisdiction over Plaid's 1st through 21st, 22nd, and 25th¹ Counterclaims. Yodlee denies that subject matter jurisdiction exists over Plaid's state law based Counterclaims, including the 23rd and 24th Counterclaim, and respectfully requests that Court decline to exercise its supplemental jurisdiction regarding those claims. Yodlee admits that venue is proper in this Court. Yodlee further admits that Yodlee has filed an action for infringement of the Asserted Patents in this Court. Yodlee denies that Plaid is entitled to any relief pursuant to its Counterclaims. Yodlee denies the remaining allegations of Paragraph 126.

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '077 Patent)

127. Yodlee admits that Paragraph 127 of Plaid's Counterclaims incorporates by reference the allegations in the preceding paragraphs of Plaid's Answer and Counterclaims. Yodlee incorporates by references its responses as recited in the corresponding paragraphs of Yodlee's

¹ Yodlee denies that subject matter jurisdiction exists over the 25th Counterclaim to the extent Plaid bases its claim on common law, rather than Lanham Act based, allegations.

Answer to Plaid's Counterclaims, as well as the allegations of Yodlee's Original Complaint for Patent Infringement (D.I. 1). Plaid's allegation in this Paragraph does not identify which of its 39 Affirmative Defenses it asserts are related to this Counterclaim and Yodlee denies that any of the 39 Affirmative Defenses provide support for this Counterclaim or provide a basis for relieving Plaid from liability for Yodlee's claims for patent infringement as alleged in Yodlee's Original Complaint (D.I. 1).

128. Denied.

129. Denied.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '077 Patent)

130. Yodlee admits that Paragraph 130 of Plaid's Counterclaims incorporates by reference the allegations in the preceding paragraphs of Plaid's Answer and Counterclaims. Yodlee incorporates by references its responses as recited in the corresponding paragraphs of Yodlee's Answer to Plaid's Counterclaims, as well as the allegations of Yodlee's Original Complaint for Patent Infringement (D.I. 1). Plaid's allegation in this Paragraph does not identify which of its 39 Affirmative Defenses it asserts are related to this Counterclaim and Yodlee denies that any of the 39 Affirmative Defenses provide support for this Counterclaim or provide a basis for relieving Plaid from liability for Yodlee's claims for patent infringement as alleged in Yodlee's Original Complaint (D.I. 1).

131. Denied.

132. Denied.

THIRD COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '783 Patent)

133. Yodlee admits that Paragraph 133 of Plaid's Counterclaims incorporates by reference the allegations in the preceding paragraphs of Plaid's Answer and Counterclaims. Yodlee incorporates by references its responses as recited in the corresponding paragraphs of Yodlee's Answer to Plaid's Counterclaims, as well as the allegations of Yodlee's Original Complaint for Patent Infringement (D.I. 1). Plaid's allegation in this Paragraph does not identify which of its 39 Affirmative Defenses it asserts are related to this Counterclaim and Yodlee denies that any of the 39 Affirmative Defenses provide support for this Counterclaim or provide a basis for relieving Plaid from liability for Yodlee's claims for patent infringement as alleged in Yodlee's Original Complaint (D.I. 1).

134. Denied.

135. Denied.

FOURTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '783 Patent)

136. Yodlee admits that Paragraph 136 of Plaid's Counterclaims incorporates by reference the allegations in the preceding paragraphs of Plaid's Answer and Counterclaims. Yodlee incorporates by references its responses as recited in the corresponding paragraphs of Yodlee's Answer to Plaid's Counterclaims, as well as the allegations of Yodlee's Original Complaint for Patent Infringement (D.I. 1). Plaid's allegation in this Paragraph does not identify which of its 39 Affirmative Defenses it asserts are related to this Counterclaim and Yodlee denies that any of the 39 Affirmative Defenses provide support for this Counterclaim or provide a basis for relieving Plaid from liability for Yodlee's claims for patent infringement as alleged in Yodlee's Original Complaint (D.I. 1).

137. Denied.

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