

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

**SIPCO, LLC, and IP CO., LLC (d/b/a
INTUS IQ),**

Plaintiffs,

v.

**STREETLINE, INC., and KAPSCH
TRAFFICOM HOLDING CORP.,**

Defendants.

Civ. No. 1: 16-cv-00830-RGA

PLAINTIFFS' RESPONSE TO DEFENDANTS'

MOTION TO DISMISS UNDER RULE 12(b)(6)

Dated: December 5, 2016

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Plaintiffs SIPCO, LLC and IP CO, LLC (collectively, “Plaintiffs”) hereby submit this Memorandum in opposition to the Motion to Dismiss under FED. R. CIV. P. 12(b)(6) of Defendants Streetline, Inc. (“Streetline”) and Kapsch TrafficCom Holding Corp. (“Kapsch”) (collectively “Defendants”).

I. NATURE AND STAGE OF THE PROCEEDINGS

Plaintiffs SIPCO, LLC and IP CO, LLC filed this patent infringement action against Defendants on September 19, 2016, alleging infringement of U.S. Patent Nos. 8,908,842 (“the ‘842 patent”), 8,625,496 (“the ‘496 patent”), 8,233,471 (“the ‘471 patent”), 8,223,010 (“the ‘010 patent”), 7,697,492 (“the ‘492 patent”), 7,468,661 (“the ‘661 patent”), 7,103,511 (“the ‘511 patent”), 6,914,893 (“the ‘893 patent”), 6,437,692 (“the ‘692 patent”) and 6,249,516 (“the ‘516 patent”) (collectively, “the Patents-in-Suit”). (D.I. 1). On November 18, 2016, Defendants moved to dismiss under FED. R. CIV. P. 12(b)(6). (D.I. 7, 8). This is Plaintiffs’ opposition to Defendants’ Motion to Dismiss.

II. SUMMARY OF THE ARGUMENT

Defendants attempt to fashion a new and highly restrictive requirement that complaints must include claim charts or otherwise demonstrate infringement claim-limitation-by-claim-limitation. Defendants cite no governing authority to support the requirement, and their argument is contrary to FED. R. CIV. P. Rule 8’s prescription of a “short plain statement,” as well as the law set forth in *Twombly/Iqbal*. The Complaint in this case gives Defendants fair notice of the claims against them, and is as specific as the government contracts that Streetline has entered into that are the accused infringements and of which the Court can take judicial notice as public records.

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