UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Guada Technologies LLC.,

    Plaintiff/Counterclaim Defendant,

    v.

UncommonGoods, L.L.C.,

    Defendant/Counterclaim Plaintiff.

Civil Action No.
1:19-cv-00187-RGA

Jury Trial Demanded

ANSWER, DEFENSES, AND COUNTERCLAIMS

Defendant UncommonGoods, L.L.C., ("Defendant") provides its Answer, Defenses, and Counterclaims in response to the Complaint of Plaintiff Guada Technologies LLC ("Plaintiff").

I. THE PARTIES

1.   In answer to paragraph 1, Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 1, and therefore denies them.

2.   In answer to paragraph 2, Defendant admits the allegations therein.

II. JURISDICTION AND VENUE

3.   In answer to paragraph 3, Defendant admits that this Court has subject matter jurisdiction over this case.

4.   In answer to paragraph 4, Defendant states that it does not contest personal jurisdiction in this case. Defendant otherwise denies the allegations in paragraph 4, and specifically denies committing, or being liable for, any act of infringement, in any jurisdiction, either directly or through any intermediaries.

5.   In answer to paragraph 5, Defendant states that it does not contest personal jurisdiction in this case. Defendant otherwise denies the allegations in paragraph 5, and

specifically denies committing, or being liable for, any act of infringement, in any jurisdiction, either directly or through any intermediaries.

6.   In answer to paragraph 6, Defendant admits that it is a Delaware limited liability company and states that it does not contest venue in this case. Defendant otherwise denies the allegations in paragraph 6, and specifically denies committing, or being liable for, any act of infringement, in any jurisdiction, either directly or through any intermediaries.

7.   In answer to paragraph 7, Defendant states that it does not contest personal jurisdiction and venue in this case. Defendant otherwise denies the allegations of paragraph 7.

III. COUNT 1: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,231,379

8.   In answer to paragraph 8, Defendant incorporates its responses to paragraphs 1 through 7 as though fully set forth herein.

9.   In answer to paragraph 9, Defendant admits that, according to the face of U.S. Patent No. 7,231,379 ("the '379 Patent"), the '379 Patent was issued by the U.S. Patent Office on June 12, 2007, is entitled "Navigation in a Hierarchical Structured Transaction Processing System," and resulted from an application filed on November 19, 2002. Defendant admits that Plaintiff purports to have attached a true and correct copy of the '379 Patent as Exhibit A to the Complaint.

10.   In answer to paragraph 10, Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 10, and therefore denies them.

11.   In answer to paragraph 11, Defendants admits that the '379 Patent purports to address a problem of navigating network vertices in a programmed computer that has a hierarchically configured decisional network that must be navigated as part of the processing, and that is constructed to accept inputs or data. Defendant lacks knowledge or information to form a

belief as to the unclear statement that "Defendant argues that such a network exists outside of computers" and therefore denies it. Defendant admits that the specification states, at column 2, lines 25 to 30, that the "invention is implemented in a programmed computer that has a hierarchically configured decisional network that must be navigated as part of the processing and is constructed to accept inputs or data and process them in a manner that facilitates navigation of the network vertices more efficiently."   Defendant lacks knowledge or information to form a belief as to the remaining allegations in paragraph 11, and therefore denies them.

12.   In answer to paragraph 12, Defendants admit that column 2, lines 22-25 of the '379 Patent refers to a "decisional network that must be navigated as part of the processing and is constructed to accept inputs or data and process them in a manner that facilitates navigation of the network vertices more efficiently." Defendants admit that Figure 4 of the '379 Patent purports to illustrate an interactive television program listing. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Plaintiff's allegations in paragraph 12, and therefore denies them.

13.   In answer to paragraph 13, Defendants admit that column 2, lines 9-18 of the '379 Patent explains "the object in navigating the graph is to get from the first vertex to the goal vertices," and that "as the number of possible choices or nodes in the network become larger, the number of possible pathways between the first vertex and the goal vertices multiples rapidly [and t]herefore, the ability to reach the goal vertex can become more difficult, require navigation of an excessive number of choices or nodes, or discourage a user before the goal vertex is even reached." Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Plaintiff's allegations in paragraph 13, and therefore denies them.

14.   In answer to paragraph 14, Defendant denies the allegations therein.

15.   In answer to paragraph 15, Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 15, and therefore denies them.

16.   In answer to paragraph 16, Defendant denies the allegations therein and specifically denies committing, or being liable for, any act of infringement.

17.   In answer to paragraph 17, Defendant denies the allegations therein and specifically denies committing, or being liable for, any act of infringement.

18.   In answer to paragraph 18, Defendant denies the allegations therein and specifically denies committing, or being liable for, any act of infringement.

IV. DEMAND FOR JURY TRIAL

Plaintiff's request for a jury trial includes no allegations and, therefore, no response is required.

V. PRAYER FOR RELIEF

In answer to Plaintiff's Prayer for Relief, Defendant denies that Plaintiff is entitled to any of the relief requested in paragraphs a-e of its Prayer, or to any relief whatsoever from Defendant. Defendant specifically denies committing, or being liable for, any act of infringement.

DEFENDANT'S DEFENSES

1.   Defendant has not infringed and does not infringe, contribute to the infringement of, or induce others to infringe any valid and enforceable claim of the asserted patent-in-suit, namely, U.S. Patent No. 7,231,379 ("the '379 Patent"), either directly, indirectly, literally, or under the doctrine of equivalents.

2.   The claims of the '379 Patent are invalid and/or unenforceable for failure to comply with one or more of the requirements of 35 U.S.C. §§ 101, 102, 103, or 112.

3.   By reason of statements, representations, concessions, admissions, arguments and/or amendments, whether explicit or implicit, made by or on behalf of the applicant during the prosecution of the patent application that led to the issuance of the '379 Patent, Plaintiff's claims are barred, in whole or in part, under the doctrines of prosecution history estoppel and disavowal.

4.   Plaintiff's claims are barred, in whole or in part, under 35 U.S.C. § 286, which precludes recovery for any infringement committed more than six years prior to the filing of the complaint.

5.   Plaintiff's damages, to the extent there are any, are limited because it has not satisfied the requirements of 35 U.S.C. § 287 or otherwise given proper notice of the '379 Patent.

6.   Plaintiff is barred from recovering any costs in connection with this action under 35 U.S.C. § 288.

7.   To the extent that the infringement of claims asserted by Plaintiff require the actions of third parties, Plaintiff is barred from recovery, in whole or in part, because Plaintiff is unable to establish the direction or control necessary for a finding of joint infringement, nor show that Defendant has conditioned such a third party's participation in an activity or receipt of a benefit

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