

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

SIPCO, LLC,

Plaintiff,

v.

ABB INC.,

Defendant.

C.A. No. 19-1365-MN

TRIAL BY JURY DEMANDED

**DEFENDANT ABB INC.'S ANSWER TO FIRST
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant ABB Inc., by and through its attorneys, hereby answers Plaintiff SIPCO, LLC's First Amended Complaint for Patent Infringement ("FAC"). Defendant generally denies all of the allegations of the FAC except those specifically admitted below.

1. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the FAC, and therefore they are denied.

2. Defendant admits that it is incorporated in Delaware and that Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801 is Defendant's registered agent for service of process. The remaining allegations of Paragraph 2 of the FAC are denied.

3. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegation that it has made the statements in Paragraph 3 of the FAC, and therefore denies making such statements.

4. Defendant denies that the FAC states a cognizable claim arising under U.S. patent law, and therefore denies the allegations of Paragraph 4 of the FAC.

5. It is unclear who is meant by “all Defendant” in Paragraph 5 of the FAC. As such, Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the FAC, and therefore they are denied.

6. Defendant denies that the FAC states a cognizable claim arising under U.S. patent law, and therefore denies the allegations of Paragraph 6 of the FAC.

7. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the FAC, and therefore they are denied.

8. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the FAC, and therefore they are denied.

9. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the FAC, and therefore they are denied.

10. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the FAC, and therefore they are denied.

11. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the FAC, and therefore they are denied.

12. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the FAC, and therefore they are denied.

13. Defendant admits that Plaintiff previously sued Defendant in *SIPCO, LLC v. ABB Inc., et. al.* Case No. 6:11-cv-00048 (E.D. Tex.). Defendant admits that Plaintiff licensed its patent portfolio to Defendant on November 25, 2014. The remaining allegations of Paragraph 13 of the FAC are denied.

14. It is unclear what is meant by “the products here at issue” and “the products accused of infringement in this action” in Paragraph 14 of the FAC. As such, Defendant is without

information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 14 of the FAC, and therefore they are denied.

15. Defendant denies the allegations of Paragraph 15 of the FAC.

16. Defendant denies that any amendment to the licensing agreements, any royalty payment, or any justification for Defendant's course of conduct was needed. The remaining allegations of Paragraph 16 of the FAC are denied.

17. Defendant denies the allegations of Paragraph 17 of the FAC.

18. Defendant denies the allegations of Paragraph 18 of the FAC.

19. It is unclear what is meant at least by "the ABB Wireless HART Systems and the components thereof," "Gateways associated with two or more of the above components," and "Other supporting components associated with systems that include two or more of the components identified [] above" in Paragraph 19 of the FAC. As such, Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 19 of the FAC, and therefore they are denied.

20. For at least the same reasons as Paragraph 19 of the FAC, it is unclear what is meant by "the Accused Instrumentalities" in Paragraph 20 of the FAC. As such, Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 20 of the FAC, and therefore they are denied.

COUNT I

21. Defendant incorporates by reference its answers to Paragraphs 1-20 of the FAC in answer to Paragraph 21 of the FAC.

22. Defendant admits that Exhibit A to the FAC appears to be a copy of United States Patent No. 6,914,893 (“the ’893 Patent”). The remaining allegations of Paragraph 22 of the FAC are denied.

23. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 23 of the FAC, and therefore they are denied.

24. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 24 of the FAC, and therefore they are denied.

25. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 25 of the FAC, and therefore they are denied.

26. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the FAC, and therefore they are denied.

27. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 27 of the FAC, and therefore they are denied.

28. Defendant denies the allegations of Paragraph 28 of the FAC.

29. Defendant admits it was aware of the existence of the ’893 Patent on November 25, 2014, when Plaintiff licensed the ’893 Patent to Defendant. The remaining allegations of Paragraph 29 of the FAC are denied.

30. Defendant denies the allegations of Paragraph 30 of the FAC.

COUNT II

31. Defendant incorporates by reference its answers to Paragraphs 1-20 of the FAC in answer to Paragraph 31 of the FAC.

32. Defendant admits that Exhibit C to the FAC appears to be a copy of United States Patent No. 8,964,708 (“the ’708 Patent”). The remaining allegations of Paragraph 32 of the FAC are denied.

33. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 33 of the FAC, and therefore they are denied.

34. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 34 of the FAC, and therefore they are denied.

35. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 35 of the FAC, and therefore they are denied.

36. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 36 of the FAC, and therefore they are denied.

37. Defendant admits that, on November 25, 2014, Plaintiff licensed U.S. Patent Application No. 12/758,590, which later matured into the ’708 Patent, to Defendant. The remaining allegations of Paragraph 37 of the FAC are denied.

38. Defendant denies the allegations of Paragraph 38 of the FAC.

39. Defendant denies the allegations of Paragraph 39 of the FAC.

COUNT III

40. Defendant incorporates by reference its answers to Paragraphs 1-20 of the FAC in answer to Paragraph 40 of the FAC.

41. Defendant admits that Exhibit E to the FAC appears to be a copy of United States Patent No. 9,430,936 (“the ’936 Patent”). Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegation that Plaintiff owns the ’936 Patent, and therefore denies the same. The remaining allegations of Paragraph 41 of the FAC are denied.

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