

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SIPCO, LLC, and IP CO, LLC (d/b/a INTUS IQ),)	
)	
Plaintiffs,)	
v.)	
EMERSON ELECTRIC CO., EMERSON PROCESS)	Civil Action No.
MANAGEMENT LLLP, FISHER ROSEMOUNT)	1:16-cv-02690-AT
SYSTEMS, INC., ROSEMOUNT INC., BP, p.l.c.,)	
BP AMERICA, INC., and BP AMERICA)	
PRODUCTION COMPANY,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO DISMISS AND STRIKE COUNTERCLAIMS
AND AFFIRMATIVE DEFENSES OF INEQUITABLE CONDUCT**

Plaintiffs, SIPCO, LLC ("SIPCO") and IP CO, LLC (d/b/a INTUS IQ) ("IP CO") (collectively, "SIPCO") respectfully move to dismiss and strike the counterclaims and affirmative defenses of inequitable conduct asserted by Defendants Emerson Electric Co., Emerson Process Management LLLP, and Fisher- Rosemount Systems, Inc. (collectively, "Emerson") pursuant to Fed. R. Civ. P. 12(b)(6), 12(f) and 9(b). The charge of inequitable conduct in almost every patent infringement case is an absolute plague on the courts and entire patent system, and Emerson's so-called inequitable conduct allegations are no different. For the reasons set forth in the accompanying Memorandum of Law, SIPCO respectfully requests

that this Court dismiss Counts I and II of Emerson's Counterclaims, strike Emerson's Eleventh and Twelfth Affirmative Defenses and dismiss and strike any and all reference to inequitable conduct in association with the '062 and '511 Patents.

Respectfully submitted, this 28th day of July, 2016.

/s/ J. Christopher Fox II

J. Christopher Fox, II

Georgia Bar No. 272527

Michael Coleman

Georgia Bar No. 177635

Thompson Hine LLP

Two Alliance Center, Suite 1600

3560 Lenox Road

Atlanta, Georgia 30326

Telephone: 404-541-2900

Facsimile: 404-541-2905

Chris.Fox@ThompsonHine.com

Michael.Coleman@ThompsonHine.com

Paul J. Cronin, *Pro hac vice*

James C. Hall, *Pro hac vice*

Timothy J. Reppucci, *Pro hac vice*

Nutter, McClennen & Fish LLP

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

Telephone: 617-439-2000

Facsimile: 617-310-9000

pcronin@nutter.com

jhall@nutter.com

treppucci@nutter.com

Counsel for SIPCO, LLC and IP CO, LLC

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

The undersigned hereby certifies that this filing was prepared using one of the font and point selections approved by this Court in Local Rule 5.1C. Specifically, Times New Roman font was used in 14 point.

J. Christopher Fox, II
J. Christopher Fox, II
Georgia Bar No. 272527

CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel of record with a copy of the within and foregoing *PLAINTIFFS' MOTION TO DISMISS AND STRIKE COUNTERCLAIMS AND AFFIRMATIVE DEFENSES OF INEQUITABLE CONDUCT* using the Court's ECF filing system, which will automatically send a copy to all counsel of record registered to receive service thereby.

J. Christopher Fox, II
J. Christopher Fox, II
Georgia Bar No. 272527

3235340.1