

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

T-REX PROPERTY AB,

Plaintiff/Counter-Defendant,

v.

CONTEXTMEDIA INC., and
CONTEXTMEDIA HEALTH, LLC,

Defendants/Counter-Plaintiffs.

Case No.: 16-cv-04826
Honorable Joan H. Lefkow

PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant T-Rex Property AB (“T-Rex”) for its answer to Counterclaims of Defendants and Counterclaim-Plaintiffs ContextMedia Inc. and ContextMedia Health, LLC (“ContextMedia”) hereby states as follows:

1. Defendants and Counterclaim-Plaintiffs ContextMedia, Inc. and ContextMedia Health, LLC (“ContextMedia”) counterclaim against Plaintiff and Counterclaim-Defendant T-Rex Property AB (“T-Rex”) as follows:

Answer: Admitted that ContextMedia has asserted counterclaims against T-Rex, otherwise denied.

PARTIES

2. ContextMedia, Inc. is an Illinois corporation with its principal place of business at 330 N. Wabash Ave., Suite 2500, Chicago, Illinois.

Answer: Admitted.

3. ContextMedia Health, LLC is a Delaware limited liability corporation with its principal place of business at 330 N. Wabash Ave., Suite 2500, Chicago, Illinois.

Answer: Admitted.

4. By its Complaint, T-Rex is a company organized and existing under the laws of Sweden with its principal place of business at Värvägen 6, 18274 Stocksund, Sweden.

Answer: Admitted.

JURISDICTION AND VENUE

5. These Counterclaims seek a declaratory judgment of non-infringement, patent invalidity, and unenforceability arising under the Patent Laws of the United States, Title 35 of the United States Code.

Answer: Admitted that ContextMedia has asserted counterclaims against T-Rex, otherwise denied.

6. This Court has jurisdiction over the subject matter of these Counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

Answer: Admitted.

7. The venue requirements of 28 U.S.C. §§ 1391 and 1400(b) are satisfied.

Answer: Admitted.

FIRST COUNTERCLAIM
(DECLARATION OF NON-INFRINGEMENT OF THE '470 PATENT)

8. ContextMedia realleges and incorporates by reference each of the allegations set forth above in paragraphs 1-7.

Answer: T-Rex restates and incorporates by reference its responses to the proceeding allegations of paragraphs 1-7 above as though stated herein.

9. T-Rex, by its Complaint, alleges that it is the owner of U.S. Patent No. RE39,470 (“the ‘470 patent”) and that ContextMedia is directly infringing the ‘470 patent.

Answer: Admitted.

10. No accused product or method, made, used, sold, offered for sale, or imported by ContextMedia constitutes an infringement, either literal or under the doctrine of equivalents, of any valid and enforceable claim of the ‘470 patent.

Answer: Denied.

11. An actual, justiciable controversy exists between the parties by virtue of T-Rex’s Amended Complaint and ContextMedia’s Answer as to the non-infringement of the ‘470 patent.

Answer: Denied that an actual, justifiable controversy exists between the parties by virtue of ContextMedia’s Answer as to non-infringement of the ‘470 patent. Otherwise, admitted.

12. The baseless allegations of patent infringement made by T-Rex against ContextMedia are causing irreparable damage to ContextMedia.

Answer: Denied.

13. ContextMedia is entitled to judgment by this Court declaring all claims of the '470 patent not infringed by ContextMedia.

Answer: Denied.

14. Because the conduct of T-Rex renders this case to be "exceptional" under 35 U.S.C. § 285, ContextMedia is entitled to recover its reasonable costs, expenses and attorneys' fees.

Answer: Denied.

SECOND COUNTERCLAIM
(DECLARATION OF NON-INFRINGEMENT OF THE '334 PATENT)

15. ContextMedia realleges and incorporates by reference each of the allegations set forth above in paragraphs 1-7.

Answer: T-Rex restates and incorporates by reference its responses to the proceeding allegations of paragraphs 1-7 above as though stated herein.

16. T-Rex, by its Complaint, alleges that it is the owner of U.S. Patent No. 7,382,334 ("the '334 patent") and that ContextMedia is directly infringing the '334 patent.

Answer: Admitted.

17. No accused product or method, made, used, sold, offered for sale, or imported by ContextMedia constitutes an infringement, either literal or under the doctrine of equivalents, of any valid and enforceable claim of the '334 patent.

Answer: Denied.

18. An actual, justiciable controversy exists between the parties by virtue of T-Rex's Amended Complaint and ContextMedia's Answer as to the non-infringement of the '334 patent.

Answer: Denied that an actual, justifiable controversy exists between the parties by virtue of ContextMedia's Answer as to non-infringement of the '334 patent. Otherwise, admitted.

19. The baseless allegations of patent infringement made by T-Rex against ContextMedia are causing irreparable damage to ContextMedia.

Answer: Denied.

20. ContextMedia is entitled to judgment by this Court declaring all claims of the '334 patent not infringed by ContextMedia.

Answer: Denied.

21. Because the conduct of T-Rex renders this case to be “exceptional” under 35 U.S.C. § 285, ContextMedia is entitled to recover its reasonable costs, expenses and attorneys’ fees.

Answer: Denied.

THIRD COUNTERCLAIM
(DECLARATION OF NON-INFRINGEMENT OF THE ‘603 PATENT)

22. ContextMedia realleges and incorporates by reference each of the allegations set forth above in paragraphs 1-7.

Answer: T-Rex restates and incorporates by reference its responses to the proceeding allegations of paragraphs 1-7 above as though stated herein.

23. T-Rex, by its Complaint, alleges that it is the owner of U.S. Patent No. 6,430,603 (“the ‘603 patent”) and that ContextMedia is directly infringing the ‘603 patent.

Answer: Admitted.

24. No accused product or method, made, used, sold, offered for sale, or imported by ContextMedia constitutes an infringement, either literal or under the doctrine of equivalents, of any valid and enforceable claim of the ‘603 patent.

Answer: Denied.

25. An actual, justiciable controversy exists between the parties by virtue of T-Rex’s Amended Complaint and ContextMedia’s Answer as to the non-infringement of the ‘603 patent.

Answer: Denied that an actual, justifiable controversy exists between the parties by virtue of ContextMedia’s Answer as to non-infringement of the ‘603 patent. Otherwise, admitted.

26. The baseless allegations of patent infringement made by T-Rex against ContextMedia are causing irreparable damage to ContextMedia.

Answer: Denied.

27. ContextMedia is entitled to judgment by this Court declaring all claims of the ‘603 patent not infringed by ContextMedia.

Answer: Denied.

28. Because the conduct of T-Rex renders this case to be “exceptional” under 35 U.S.C. § 285, ContextMedia is entitled to recover its reasonable costs, expenses and attorneys’ fees.

Answer: Denied.

FOURTH COUNTERCLAIM
(DECLARATION OF INVALIDITY OF THE '470 PATENT)

29. ContextMedia realleges and incorporates by reference each of the allegations set forth above in paragraphs 1-7.

Answer: T-Rex restates and incorporates by reference its responses to the proceeding allegations of paragraphs 1-7 above as though stated herein.

30. T-Rex, by its Complaint, alleges that it is the owner of U.S. Patent No. RE39,470 (“the ‘470 patent”) and that ContextMedia is directly infringing the ‘470 patent.

Answer: Admitted.

31. The ‘470 patent is invalid for failure to meet one or more conditions of patentability as specified in the Patent Laws (Title 35 of the U.S. Code), including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112 et seq.

Answer: Denied.

32. The claims of the ‘470 patent are invalid under 35 U.S.C. § 101 as directed to ineligible subject matter, e.g., the patents-in-suit claim merely abstract ideas. See, e.g., ‘470 Patent, asserted claim 25 (“A method of selectively displaying digital information . . . comprising: receiving control instructions . . . using said control instructions to generate an exposure list . . . specifying . . . i) what information content is to be displayed; ii) at which . . . locations [it] is to be displayed; iii) when [it] is to be displayed . . . and iv) how long [it] is to be displayed . . . displaying images . . . and permitting said exposure list to be dynamically updated.”). Furthermore, the claims of the ‘470 patent directed to ineligible subject matter lack an inventive concept in the application of the abstract idea as the claims merely recite conventional, generic computer, network, and display technology. See, e.g., ‘470 Patent, drawing (illustrating that the claimed method and system are composed of generic computers, servers, modem, databases, and electronic displays connected by well-known and readily available networks).

Answer: Denied.

33. At least the asserted claims of the ‘470 patent are also invalid under 35 U.S.C. §§ 102 and/or 103 in view of the prior art. For example, at least claims 25 and 26 of the ‘470 patent are invalid as anticipated by and/or obvious in view of at least U.S. Patent No. 5,572,653 and U.S. Patent No. 7,287,001, which disclose every element either alone or in combination of claims 25 and 26. A person of ordinary skill in the art would have been readily motivated to combine U.S. Patent No. 5,572,653 and U.S. Patent No. 7,287,001.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.