

The Honorable James L. Robart

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZILLOW, INC.,

Plaintiff,

vs.

TRULIA, INC.,

Defendant.

Case No. 2:12-cv-01549-JLR

**DEFENDANT TRULIA, INC.'S
ANSWER TO COMPLAINT FOR
PATENT INFRINGEMENT AND
COUNTERCLAIM**

DEMAND FOR JURY TRIAL

Defendant Trulia, Inc. ("Trulia") hereby answers Plaintiffs Zillow, Inc.'s ("Zillow")
Complaint for Patent Infringement ("Complaint") on personal knowledge as to its own activities
and on information and belief as to the activities of others, as follows:

THE PARTIES

1. Trulia is without knowledge or information sufficient to form a belief as to the
truth of the allegations of paragraph 1 and, therefore, denies them.

2. Trulia admits the allegations of paragraph 2.

JURISDICTION AND VENUE

3. Trulia admits the allegations of paragraph 3.

4. Trulia admits that this Court has subject matter jurisdiction over patent law claims
under 28 U.S.C. §§ 1331 and 1338(a). Trulia denies the remaining allegations of paragraph 4.

Zillow Exhibit 2009

TRULIA'S ANSWER TO COMPLAINT

The Honorable James L. Robart

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4. Trulia admits that this Court has subject matter jurisdiction over patent law claims
under 28 U.S.C. §§ 1331 and 1338(a). Trulia denies the remaining allegations of paragraph 4.

1 5. Trulia does not contest personal jurisdiction in this district for the purpose of this
2 action. Trulia denies the remaining allegations of paragraph 5.

3 6. Trulia does not contest that venue is proper in the Western District of Washington
4 for the purpose of this action. Trulia denies the remaining allegations of paragraph 6.

5 **FACTUAL BACKGROUND**

6 7. Trulia is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations of paragraph 7 and, therefore, denies them.

8 8. Trulia is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations of paragraph 8 and, therefore, denies them.

10 9. Trulia admits that it runs a real estate information website at Trulia.com and
11 offers mobile real estate applications for smartphones and tablet computers. Trulia also admits
12 that on or around September 2011, it launched "Trulia Estimates" in beta in the San Francisco
13 Bay Area. Trulia denies the remaining allegations of paragraph 9.

14 10. Trulia admits that "Trulia Estimates" is one feature on its website. Trulia also
15 admits that certain of the quotes included in paragraph 10 of Zillow's Complaint are accurate
16 quotes though out of context. Except as expressly admitted, Trulia denies the remaining
17 allegations of paragraph 10.

18 11. Trulia admits that certain of the quotes included in paragraph 11 of Zillow's
19 Complaint are accurate quotes though out of context. Except as expressly admitted, Trulia
20 denies the remaining allegations of paragraph 11.

21 12. Trulia admits that certain of the quotes included in paragraph 12 of Zillow's
22 Complaint are accurate quotes though out of context. Except as expressly admitted, Trulia
23 denies the remaining allegations of paragraph 12.

24 13. Trulia admits that certain of the quotes included in paragraph 13 of Zillow's
25 Complaint are accurate quotes though out of context. Except as expressly admitted, Trulia
26 denies the remaining allegations of paragraph 13.

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1 14. Trulia admits that certain of the quotes included in paragraph 14 of Zillow's
2 Complaint are accurate quotes though out of context. Except as expressly admitted, Trulia
3 denies the remaining allegations of paragraph 14.

4 15. Trulia admits that it filed a Form S-1 Registration Statement with the Securities
5 and Exchange Commission on August 17, 2012. Trulia admits that certain of the quotes
6 included in paragraph 15 of Zillow's Complaint are accurate quotes though out of context.
7 Trulia denies the remaining allegations of paragraph 15.

8 16. Trulia denies the allegations of paragraph 16.

9 **ANSWER TO COUNT ONE**
10 **INFRINGEMENT OF THE '674 PATENT**

11 17. Trulia admits that what appears to be a copy of U.S. Patent No. 7,970,674 B2
12 ("the '674 patent") was attached to the Complaint as Exhibit A and that, on its face, the '674
13 patent is entitled "Automatically Determining A Current Value For A Real Estate Property, Such
14 As A Home, That Is Tailored To Input From A Human User, Such As Its Owner" and issued on
15 June 28, 2011. Trulia denies that the '674 patent was duly and legally issued. Trulia is without
16 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
17 of paragraph 17 and, therefore, denies them.

18 18. Trulia is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations of paragraph 18 and, therefore, denies them.

20 19. Trulia denies the allegations of paragraph 19.

21 20. Trulia denies the allegations of paragraph 20.

22 21. Trulia denies the allegations of paragraph 21.

23 **RESPONSE TO JURY DEMAND**

24 Zillow's demand for a trial by jury for all issues triable to a jury does not state any
25 allegation, and Trulia is not required to respond.

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1 **PRAYER FOR RELIEF**

2 Trulia denies any and all allegations contained in the remainder of the Complaint and
3 denies that Zillow is entitled to any of the relief requested in paragraphs (a) through (h) of its
4 prayer for relief or to any other relief in any form whatsoever against Trulia. Trulia further
5 denies each and every allegation contained in the Complaint to which it has not specifically
6 responded.

7 **AFFIRMATIVE DEFENSES**

8 Subject to the above, Trulia alleges and asserts the following defenses in response to the
9 allegations, undertaking the burden of proof only as to those defenses deemed affirmative
10 defenses by law, regardless of how such defenses are denominated herein. In addition to the
11 affirmative defenses described below, Trulia specifically reserves all rights to allege additional
12 affirmative defenses that become known through the course of discovery.

13 **FIRST AFFIRMATIVE DEFENSE**

14 22. Zillow's Complaint fails to state a claim upon which relief may be granted.

15 **SECOND AFFIRMATIVE DEFENSE**

16 23. Trulia has not infringed, directly or indirectly, literally or by equivalents, any
17 valid claim of the '674 patent.

18 **THIRD AFFIRMATIVE DEFENSE**

19 24. The claims of the '674 patent are invalid for failure to comply with one or more of
20 the requirements of 35 U.S.C. §§ 101, 102, 103, and/or 112.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 25. The accused feature, Trulia Estimates, has been publicly available and widely
23 known since its launch on or about September 7, 2011. Zillow delayed more than a year in filing
24 this action against Trulia, and Trulia has been prejudiced by this delay. Indeed, days after Trulia
25 commenced the "roadshow" for its initial public offering to begin marketing its stock to
26 investors, Zillow filed the subject complaint against Trulia.

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