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11 Attorneys for Defendant  
 VIZIO, INC.

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 14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA

16  
 17 NICHIA CORPORATION

18 Plaintiff,

19 vs.

20 VIZIO, INC.

21 Defendant.  
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CASE NO.: 8:16-CV-00545-SJO-  
 MRW

**VIZIO'S ANSWER AND  
 DEFENSES**

**DEMAND FOR JURY TRIAL**

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1 Defendant VIZIO, Inc. (“Defendant” or “VIZIO”), by and through its  
2 counsel, hereby submits its Answer and Defenses to the Complaint filed by Plaintiff  
3 Nichia Corporation (“Plaintiff” or “Nichia”). Unless expressly and specifically  
4 admitted, VIZIO denies each and every allegation made by Nichia in the Complaint.  
5 VIZIO answers as follows:

6 **Jurisdiction**

7 1. VIZIO admits that Nichia’s Complaint purports to arise under the  
8 Patent Laws of the United States. Paragraph 1 contains legal conclusions to which  
9 no response is required. To the extent that a response is required, VIZIO admits that  
10 jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

11 **The Parties**

12 2. VIZIO is without knowledge or information sufficient to form a belief  
13 as to the truth of the allegations set forth in Paragraph 2, and therefore denies them.

14 3. VIZIO admits that it is a corporation organized and existing under the  
15 laws of the State of California, and has an office at 39 Tesla, Irvine, California  
16 92618. VIZIO also admits that it may be served with process by serving its  
17 registered agent, Registered Agent Solutions, Inc., 1220 S Street, Suite 50,  
18 Sacramento, California 95811.

19 **Venue**

20 4. Paragraph 4 contains legal conclusions to which no response is  
21 required. To the extent that a response is required, VIZIO admits that it is organized  
22 and existing under the laws of the State of California, and does not contest personal  
23 jurisdiction over VIZIO in this Court on that basis. VIZIO denies the remaining  
24 allegations in Paragraph 4.

25 5. Paragraph 5 contains legal conclusions to which no response is  
26 required. To the extent that a response is required, VIZIO does not contest that  
27 venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

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**Count 1 – Infringement of U.S. Patent No. 7,901,959**

6. VIZIO incorporates by reference its responses to the allegations in Paragraphs 1 through 5 above, as if fully set forth herein.

7. VIZIO admits that Exhibit A to the Complaint purports to be a copy of United States Patent No. 7,901,959 (“the ’959 patent”) entitled “Liquid Crystal Display and Back Light Having a Light Emitting Diode,” and that the face of the document indicates the patent issued on March 8, 2011. VIZIO is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 7, and therefore denies them.

- 8. VIZIO denies the allegations in Paragraph 8.
- 9. VIZIO denies the allegations in Paragraph 9.
- 10. VIZIO denies the allegations in Paragraph 10.
- 11. VIZIO denies the allegations in Paragraph 11.

**Count 2 – Infringement of U.S. Patent No. 7,915,631**

12. VIZIO incorporates by reference its responses to the allegations in Paragraphs 1 through 11 above, as if fully set forth herein.

13. VIZIO admits that Exhibit B to the Complaint purports to be a copy of United States Patent No. 7,915,631 (“the ’631 patent”) entitled “Light Emitting Device and Display,” and that the face of the document indicates the patent issued on March 29, 2011. VIZIO is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 13, and therefore denies them.

- 14. VIZIO denies the allegations in Paragraph 14.
- 15. VIZIO denies the allegations in Paragraph 15.
- 16. VIZIO denies the allegations in Paragraph 16.
- 17. VIZIO denies the allegations in Paragraph 17.

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**Count 3 – Infringement of U.S. Patent No. 8,309,375**

18. VIZIO incorporates by reference its responses to the allegations in Paragraphs 1 through 17 above, as if fully set forth herein.

19. VIZIO admits that Exhibit C to the Complaint purports to be a copy of United States Patent No. 8,309,375 (“the ’375 patent”) entitled “Light Emitting Device and Display,” and that the face of the document indicates the patent issued on November 13, 2012. VIZIO is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 19, and therefore denies them.

20. VIZIO denies the allegations in Paragraph 20.

21. VIZIO denies the allegations in Paragraph 21.

22. VIZIO denies the allegations in Paragraph 22.

23. VIZIO denies the allegations in Paragraph 23.

**Count 4 – Infringement of U.S. Patent No. 7,855,092**

24. VIZIO incorporates by reference its responses to the allegations in Paragraphs 1 through 23 above, as if fully set forth herein.

25. VIZIO admits that Exhibit D to the Complaint purports to be a copy of United States Patent No. 7,855,092 (“the ’092 patent”) entitled “Device for Emitting White-Color Light,” and that the face of the document indicates the patent issued on December 21, 2010. VIZIO is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 25, and therefore denies them.

26. VIZIO denies the allegations in Paragraph 26.

27. VIZIO denies the allegations in Paragraph 27.

28. VIZIO denies the allegations in Paragraph 28.

29. VIZIO denies the allegations in Paragraph 29.

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**Response to Plaintiff’s Prayer for Relief**

30. VIZIO denies that Nichia is entitled to any of the relief requested in its Prayer for Relief, or any other relief whatsoever.

**Response to Plaintiff’s Demand for Jury Trial**

31. VIZIO admits that Nichia purports to demand a jury trial.

**Affirmative Defenses**

VIZIO asserts the following affirmative defenses without assuming any burden that it would not otherwise have, including without admitting or acknowledging that it bears the burden of proof as to any of them. VIZIO reserves the right to amend its answer with additional defenses as further information is obtained through discovery.

**First Defense  
(Invalidity of the ’959 Patent)**

The claims of the ’959 patent are invalid for failure to satisfy one or more provisions of the Patent Laws, including but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

**Second Defense  
(Invalidity of the ’631 Patent)**

The claims of the ’631 patent are invalid for failure to satisfy one or more provisions of the Patent Laws, including but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

**Third Defense  
(Invalidity of the ’375 Patent)**

The claims of the ’375 patent are invalid for failure to satisfy one or more provisions of the Patent Laws, including but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

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