

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETHANOL BOOSTING SYSTEMS, LLC and)
THE MASSACHUSETTS INSTITUTE OF)
TECHNOLOGY,)

Plaintiffs,)

v.)

FORD MOTOR COMPANY,)

Defendant.)

C.A. No. 19-196 (CFC)

DEMAND FOR JURY TRIAL

DEFENDANT’S ANSWER, DEFENSES, COUNTERCLAIMS AND JURY DEMAND

Defendant and Counterclaimant Ford Motor Company (“Ford”), hereby answers the Complaint filed on January 30, 2019 (“Complaint”) by Plaintiffs Ethanol Boosting Systems, LLC (“EBS”) and the Massachusetts Institute of Technology (“MIT”) (collectively, “Plaintiffs”), responding to the separately enumerated paragraphs of the Complaint as follows, and further asserts the Defenses and Counterclaims alleged below:

The Parties

1. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint. Therefore, Ford denies the allegations contained in Paragraph 1 of the Complaint.

2. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint, except Ford is aware that Dr. Bromberg, Dr. Cohn and Professor Heywood have done work in the field of internal combustion engines. Therefore, except as expressly admitted, Ford denies the allegations contained in Paragraph 2 of the Complaint.

3. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint. Therefore, Ford denies the allegations contained in Paragraph 3 of the Complaint.

4. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint. Therefore, Ford denies the allegations contained in Paragraph 4 of the Complaint.

5. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint. Therefore, Ford denies the allegations contained in Paragraph 5 of the Complaint.

6. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint, except Ford understands on information and belief that Professor Heywood was Director of the Sloan Automotive Laboratory at MIT, that he did research and taught classes at MIT on internal combustion engines, and that he published a book entitled Internal Combustion Engine Fundamentals. Therefore, except as expressly admitted, Ford denies the allegations contained in Paragraph 6 of the Complaint.

7. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint. Therefore, Ford denies the allegations contained in Paragraph 7 of the Complaint.

8. Ford is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint, except Ford is aware that MIT is aware, on information and belief, that MIT is a non-profit private research and educational institution with a principal place of business in Cambridge, Massachusetts.

Therefore, except as expressly admitted, Ford denies the allegations contained in Paragraph 8 of the Complaint.

9. Ford admits that it is a corporation existing and organized under the laws of the State of Delaware. Ford also admits that it makes, sells, and offers for sale in the United States, or imports into the United States, motor vehicles and related motor vehicles components and accessories. Ford denies that any of its motor vehicles and related motor vehicles components and accessories infringe any of the patents at issue in the Complaint. Except as expressly admitted, Ford denies the allegations contained in Paragraph 9 of the Complaint.

Jurisdiction and Venue

10. Ford admits that subject matter jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a) as this action arises under Title 35 of the United States Code.

11. Ford admits that this Court has personal jurisdiction over Ford because Ford is incorporated in Delaware. Ford admits that it distributes certain motor vehicles and products in Delaware. Ford denies that it manufactures motor vehicles and other products in Delaware, and otherwise denies the remaining allegations in Paragraph 11 of the Complaint.

12. Ford admits that venue is proper in this District under 28 U.S.C. § 1400(b).

The Asserted Patents

13. Ford denies that it has infringed or continues to infringe U.S. Patent No. 8,069,839 (the “839 Patent”), U.S. Patent No. 9,255,519 (the “519 Patent”), U.S. Patent No. 9,810,166 (the “166 Patent”), and/or U.S. Patent No. 10,138,826 (the “826 Patent”) (collectively, the “Asserted Patents”).

14. Ford is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 14 of the Complaint and therefore denies those allegations.

15. Ford admits that each of the Asserted Patents lists Dr. Bromberg, Dr. Cohn, and Professor Heywood as inventors. Ford denies that each of the Asserted Patents was actually invented by Dr. Bromberg, Dr. Cohn, and Professor Heywood. Ford is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15 of the Complaint and therefore denies those allegations.

16. Ford denies the allegations contained in Paragraph 16 of the Complaint.

17. Ford denies the allegations contained in Paragraph 17 of the Complaint.

18. Ford denies the allegations contained in Paragraph 18 of the Complaint, except Ford admits that certain patents relating to the Asserted Patents have been cited in patents filed by Ford and its related entities such as Ford Global Technologies, LLC.

Allegations in the Complaint Concerning the Parties' Past Relationship and Ford's Alleged Use of Plaintiff's Technology

19. Ford denies the allegations contained in Paragraph 19 of the Complaint.

20. Ford denies the allegations contained in Paragraph 20 of the Complaint.

21. Ford admits that it had knowledge of the existence of the 839 Patent in October 2014. Ford denies that any of Plaintiffs' patents cover the use of dual port and direct injection, and otherwise denies the remaining allegations in Paragraph 21 of the Complaint.

22. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington and Mr. Bill Coughlin dated October 30, 2014. The content of the October 30, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 22 of the Complaint.

23. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington and Mr. Bill Coughlin dated October 30, 2014. The content of the October 30, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 23 of the Complaint.

24. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington and Mr. Bill Coughlin dated October 30, 2014. The content of the October 30, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 24 of the Complaint.

25. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington and Mr. Bill Coughlin dated October 30, 2014. The content of the October 30, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 25 of the Complaint.

26. Ford admits that an email exists from Dr. Ken Washington dated October 31, 2014. The content of the October 31, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 26 of the Complaint

27. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington dated December 16, 2014. The content of the December 16, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 27 of the Complaint.

28. Ford admits that an email exists from Professor Heywood to Dr. Ken Washington dated December 17, 2014. The content of the December 17, 2014 email speaks for itself. Ford denies the remaining allegations contained in Paragraph 28 of the Complaint.

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