

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**CHERVON (HK) LIMITED,
CHERVON NORTH AMERICA INC.,**

Plaintiffs,

v.

**ONE WORLD TECHNOLOGIES, INC.,
TECHTRONIC INDUSTRIES CO.LTD.,
HOMELITE CONSUMER PRODUCTS,
INC.**

Defendants.

C.A. No. 19-1293-LPS

JURY TRIAL DEMANDED

DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT

Defendants One World Technologies, Inc., Techtronic Industries Co. Ltd., and Homelite Consumer Products, Inc. (collectively, "Defendants") provide their Answer and Affirmative Defenses to the Second Amended Complaint for Patent Infringement filed by Plaintiffs Chervon (HK) Limited and Chervon North America Inc. ("Plaintiffs"). Defendants have adopted headings in the Second Amended Complaint for ease of reference. However, to the extent such headings contain factual and legal characterizations, Defendants deny such characterizations. Defendants deny all allegations not expressly admitted.

SUMMARY OF NATURE OF ACTION

1. Defendants deny the allegations of Paragraph 1 insofar as they contain opinions and legal arguments rather than factual assertions and therefore require no response. To the extent a response is required, Defendants admit that Plaintiffs purport to bring an action for patent infringement under the patent laws of the United States. Defendants deny that any of the products infringe any valid claim of any patent asserted by Plaintiffs.

PARTIES

2. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 2 and on that basis deny them.

3. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 3 and on that basis deny them.

4. Defendants admit that One World Technologies, Inc. (“One World”) is a corporation organized under the laws of the State of Delaware and admit that its principal place of business is at 100 Innovation Way, Anderson, South Carolina 29621.

5. Defendants admit that Techtronic Industries Co. Ltd. (“Techtronic”) is a Hong Kong corporation organized under the laws of Hong Kong and admit that its principal place of business is at 28/F & 29/F, Tower 2, Kowloon Commerce Centre, 51 Kwai Cheong Road, Kwai Chung, Hong Kong.

6. Defendants admit that Homelite Consumer Products, Inc. (“Homelite”) is a corporation organized under the laws of the State of Delaware and admit that its principal place of business is at 100 Innovation Way, Anderson, South Carolina 29621.

7. Techtronic denies that it makes, sells, offers for sale and/or imports products into the United States, and further denies the same with respect to the accused lawn mowers sold under the brand name Ryobi. One World admits that it sells and offers for sale in the United States lawn mowers sold under the brand name Ryobi. Homelite admits that it imports lawn mowers and other power tools into the United States. Defendants deny the remaining allegations of this Paragraph.

JURISDICTION AND VENUE

8. Defendants admit this Court has subject matter jurisdiction over this action. Defendants deny that Plaintiffs have stated any viable claim for relief.

9. Defendants do not contest personal jurisdiction for purposes of this case only. Defendants deny that they, directly or through subsidiaries or intermediaries, have committed or continue to commit any acts of infringement in this or any judicial district. Defendants deny the remaining allegations of this Paragraph.

10. Defendants admit that venue in this district with respect to One World is permissible, but deny that this district is the most convenient or appropriate forum for this action. Defendants deny that One World is registered to do business in Delaware but admit that One World has transacted business in Delaware. Defendants deny that One World has committed any acts of direct or indirect infringement in this or any other district. Defendants deny the remaining allegations of this Paragraph.

11. Defendants admit that venue in this district with respect to Techtronic is permissible, and further deny that this district is the most convenient or appropriate forum for this action. Defendants deny that Techtronic is registered to do business in Delaware and deny that Techtronic has transacted business in Delaware, and deny that Techtronic has committed any acts of direct or indirect infringement in this or any other district. Defendants deny the remaining allegations of this Paragraph.

12. Defendants admit that venue in this district with respect to Homelite is permissible, but deny that this district is the most convenient or appropriate forum for this action. Defendants deny that Homelite is registered to do business in Delaware but admit that Homelite has transacted business in Delaware. Defendants deny that Homelite has committed any acts of direct or indirect infringement in this or any other district. Defendants deny the remaining allegations of this Paragraph.

BACKGROUND

13. Defendants deny the statements and allegations of this Paragraph insofar as they contain opinions and legal arguments rather than factual assertions, and therefore, do not require response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

14. Defendants deny the statements and allegations of this Paragraph insofar as they contain opinions and legal arguments rather than factual assertions, and therefore, do not require response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

15. Defendants deny the statements and allegations of this Paragraph insofar as they contain opinions and legal arguments rather than factual assertions, and therefore, do not require response. To the extent a response is required, Defendants admit that the stated URL purports to denote CPSC Release #95-173, a recall involving third-party Ryobi Outdoor Products, Inc. However, neither Defendant was a party to CPSC Release #95-173 and are therefore without knowledge or information sufficient to form a belief of CPSC's efforts to reduce blade contact injuries through recalls, and therefore deny the remainder of this Paragraph.

16. Defendants deny the statements and allegations of this Paragraph insofar as they contain opinions and legal arguments rather than factual assertions, and therefore, do not require response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

COUNT I
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,060,463

17. Defendants incorporate by reference their responses to Paragraphs 1-16 as if set forth fully herein.

18. Defendants admit that what appears to be a copy of U.S. Patent No. 9,060,463 is attached as Exhibit A to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

19. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

20. Defendants admit that Toshinari Yamaoka, Fangjie Nie, Haishen Xu, and Xiandian Shao are listed as inventors on the face of the '463 patent. Defendants deny the remaining allegations of this Paragraph.

21. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

22. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations of this Paragraph and on that basis deny them.

23. Defendants deny the allegations of this Paragraph.

24. Defendants admit that Plaintiffs recite Claim 1 of the '463 patent. Defendants deny the remaining allegations of this Paragraph.

25. Defendants deny the allegations of this Paragraph.

26. Defendants deny the allegations of this Paragraph.

27. Defendants deny the allegations of this Paragraph.

28. Defendants deny the allegations of this Paragraph.

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