

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

INVENSYS SYSTEMS, INC.,

Plaintiff,

vs.

EMERSON ELECTRIC CO. and
MICRO MOTION INC., USA,

Defendants,

and

MICRO MOTION INC., USA,

Counterclaim-Plaintiff,

vs.

INVENSYS SYSTEMS, INC.,

Counterclaim-Defendant.

Case No. 6:12-CV-00799

JURY TRIAL DEMANDED

**MICRO MOTION, INC.'S ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO PLAINTIFF'S ORIGINAL COMPLAINT**

Defendant Micro Motion, Inc. ("Micro Motion")¹ hereby responds to Plaintiff's Original Complaint ("Complaint") as follows:

PARTIES

1. Micro Motion lacks knowledge or information sufficient to form a belief about the truth of the allegations in this Paragraph and therefore denies them.

¹ Invensys Systems, Inc. ("Invensys") incorrectly identifies Micro Motion Inc., USA as a Defendant in this action. The correct name is Micro Motion, Inc.

2. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

3. Micro Motion denies that its name is “Micro Motion Inc., USA” and affirmatively states that its correct name is “Micro Motion, Inc.” Micro Motion admits that it is a Colorado corporation with its principal place of business being at 7070 Winchester Circle, Boulder, Colorado 80301, and that it is a wholly-owned subsidiary of Emerson Electric Co. (“Emerson”). Micro Motion also admits that certain of its products are sold, offered for sale, and used in this District. Micro Motion otherwise denies the remaining allegations in this Paragraph.

JURISDICTION

4. Micro Motion admits that Invensys purports to bring this action under Title 35 of the United States Code.

5. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

6. Micro Motion admits that it conducts business in Texas. Micro Motion otherwise denies the remaining allegations in this Paragraph.

VENUE

7. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. Micro Motion admits that it resides in this District. Micro Motion otherwise denies the remaining allegations in this Paragraph.

BACKGROUND

8. Micro Motion lacks knowledge or information sufficient to form a belief about the truth of the allegations in this Paragraph and therefore denies them.

9. Micro Motion lacks knowledge or information sufficient to form a belief about the truth of the allegations in this Paragraph and therefore denies them.

10. Micro Motion admits that it is a wholly-owned subsidiary of Emerson. Micro Motion also admits that in or around 2006, it released certain Coriolis flowmeters having a Micro Motion enhanced core processor and/or Micro Motion Model 2400S transmitters. Micro Motion otherwise denies the remaining allegations in this Paragraph.

11. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. Micro Motion denies that it has facilities in this District. Micro Motion lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this Paragraph and therefore denies them.

FIRST CLAIM

(Alleged Patent Infringement of the '646 Patent)

12. Micro Motion repeats and incorporates herein by reference its responses to Paragraphs 1-11 of the Complaint.

13. Micro Motion admits that U.S. Patent No. 7,124,646 (“the '646 patent”) states on its face that (a) its title is “Correcting for Two-Phase Flow in a Digital Flowmeter,” (b) it issued on October 24, 2006, (c) the named inventors are Manus P. Henry and Maria Jesus De La Fuente, and (d) Invensys is the assignee. Micro Motion also admits that a copy of what purports to be the '646 patent is attached to the Complaint

as Exhibit A. Micro Motion denies that the '646 patent was duly and legally issued. As for the remaining allegations, Micro Motion lacks knowledge or information sufficient to form a belief as to their truth and therefore denies them.

14. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

15. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

16. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

SECOND CLAIM

(Alleged Patent Infringement of the '761 Patent)

17. Micro Motion repeats and incorporates herein by reference its responses to Paragraphs 1-16 of the Complaint.

18. Micro Motion admits that U.S. Patent No. 7,136,761 ("the '761 patent") states on its face that (a) its title is "Digital Flowmeter," (b) it issued on November 14, 2006, (c) the named inventors are Manus P. Henry, David W. Clarke, and James H. Vignos, and (d) Invensys is the assignee. Micro Motion also admits that a copy of what purports to be the '761 patent is attached to the Complaint as Exhibit B. Micro Motion denies that the '761 patent was duly and legally issued. As for the remaining allegations,

Micro Motion lacks knowledge or information sufficient to form a belief as to their truth and therefore denies them.

19. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

20. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

21. No response is required from Micro Motion to the extent that the allegations in this Paragraph are not directed to Micro Motion. To the extent that a response is required, Micro Motion denies the allegations in this Paragraph.

THIRD CLAIM

(Alleged Patent Infringement of the '136 Patent)

22. Micro Motion repeats and incorporates herein by reference its responses to Paragraphs 1-21 of the Complaint.

23. Micro Motion admits that U.S. Patent No. 6,311,136 (“the '136 patent”) states on its face that (a) its title is “Digital Flowmeter,” (b) it issued on October 30, 2001, (c) the named inventors are Manus P. Henry, David W. Clarke, and James H. Vignos, and (d) Invensys is the assignee. Micro Motion also admits that a copy of what purports to be the '136 patent is attached to the Complaint as Exhibit C. Micro Motion denies that the '136 patent was duly and legally issued. As for the remaining allegations, Micro Motion lacks knowledge or information sufficient to form a belief as to their truth and therefore denies them.

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