

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KONINKLIJKE PHILIPS ELECTRONICS N.V.
and PHILIPS ELECTRONICS NORTH
AMERICA CORPORATION,

Plaintiffs/Counterclaim-Defendants,

v.

ZOLL MEDICAL CORPORATION

Defendant/Counterclaim-Plaintiff.

C.A. No. 1:10-cv-11041-NMG

DEFENDANT'S ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Defendant ZOLL Medical Corporation ("ZOLL") hereby answers the Amended Complaint of Plaintiffs Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation (collectively "Philips") as follows. ZOLL denies all allegations that it does not expressly admit below.

NATURE OF ACTION

COMPLAINT PARA. 1: This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*, by Philips against Zoll for infringement of United States Patent Nos. 5,607,454; 5,721,482; 5,735,879; 5,749,905; 5,773,961; 5,800,460; 5,803,927; 5,836,978; 5,879,374; 6,047,212; 6,178,357; 6,304,783; 6,356,785; 6,441,582; and 6,871,093 (the "Patents-in-Suit").

ANSWER: This paragraph does not require a response from ZOLL. To the extent a response is called for, ZOLL denies the allegations of this paragraph.

PARTIES

COMPLAINT PARA. 2: Plaintiff Koninklijke Philips Electronics N.V. is a corporation organized under the laws of the Netherlands with a principal place of business in Eindhoven, the Netherlands.

ANSWER: ZOLL lacks knowledge sufficient to confirm or deny the allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 3: Plaintiff Philips Electronics North America Corporation is a corporation organized and existing under the laws of Delaware, with a place of business at 3000 Minuteman Road, Andover, Massachusetts 01810. Philips Electronics North America Corporation is a wholly-owned subsidiary of Philips Holding USA, Inc., which, directly and indirectly, is a wholly-owned subsidiary of Plaintiff Koninklijke Philips Electronics N.V. Philips Electronics North America Corporation is the assignee and owner of the Patents-in-Suit.

ANSWER: ZOLL lacks knowledge sufficient to confirm or deny the allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 4: Upon information and belief, Defendant Zoll is a corporation organized under the laws of the Commonwealth of Massachusetts, with a principal place of business at 269 Mill Road, Chelmsford, Massachusetts 01824.

ANSWER: Admitted.

JURISDICTION AND VENUE

COMPLAINT PARA. 5: This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

ANSWER: ZOLL admits that the Philips Complaint purports to bring an action for patent infringement, and that such actions arise under the patent laws of the United States, Title 35 of the United States Code. ZOLL denies the other allegations of this Paragraph.

COMPLAINT PARA. 6: This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

ANSWER: Denied, on the ground that, on information and belief, one or both of the plaintiffs lack standing to bring this action with regard to some or all of the patents-in-suit.

COMPLAINT PARA. 7: Upon information and belief, Zoll maintains its principal place of business within Massachusetts and has voluntarily placed automatic external defibrillator products into the stream of commerce, knowing that Massachusetts is the likely destination of a substantial quantity of such products.

ANSWER: Admitted.

COMPLAINT PARA. 8: Upon information and belief, a substantial part of the events giving rise to these claims for patent infringement occurred in Massachusetts and in this judicial district.

ANSWER: ZOLL lacks knowledge sufficient to confirm or deny the allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 9: Upon information and belief, Zoll is subject to personal jurisdiction in this district because it is a corporation organized under the laws of the Commonwealth of Massachusetts.

ANSWER: Admitted.

COMPLAINT PARA. 10: Upon information and belief, Zoll is subject to personal jurisdiction in this district because it maintains or has maintained continuous and systematic contacts with Massachusetts and this judicial district.

ANSWER: Admitted.

COMPLAINT PARA. 11: Upon information and belief, Zoll is subject to personal jurisdiction in this district because it purposefully engaged in activities that gave rise to Philips' claims for patent infringement and which were directed to residents of Massachusetts and this judicial district.

ANSWER: Denied.

COMPLAINT PARA. 12: Upon information and belief, Zoll resides in this district for purposes of 28 U.S.C. §§ 1391(c) and 1400(b) because it is subject to personal jurisdiction in this district.

ANSWER: Admitted.

COMPLAINT PARA. 13: Upon information and belief, venue for this civil action in this judicial district is proper under 28 U.S.C. §§ 1391(b), 1391(c), and/or 1400(b), as Zoll is subject to personal jurisdiction in this district.

ANSWER: Admitted.

COUNT 1: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,607,454

COMPLAINT PARA. 14: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1-13 as if fully set forth herein.

COMPLAINT PARA. 15: On March 4, 1997, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,607,454 (“the ’454 patent”), entitled “Electrotherapy Method and Apparatus,” to the listed inventor David Cameron of Seattle, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the ’454 patent, a copy of which is attached as Exhibit A, until August 18, 2010, when it assigned the ’454 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,607,454 (“the ’454 patent”) is titled “Electrotherapy Method and Apparatus” and on its face lists David Cameron and other individuals in Washington as inventors. ZOLL denies that the ’454 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 16: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the ’454 patent number.

ANSWER: Denied.

COMPLAINT PARA. 17: Upon information and belief, Zoll has infringed and continues to infringe the ’454 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the ’454 patent.

ANSWER: Denied.

COMPLAINT PARA. 18: Zoll does not have a license or permission to use the ’454 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 19: As a result of Zoll’s infringement of the ’454 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 20: As a result of Zoll’s infringement of the ’454 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll’s infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 21: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '454 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 22: Despite knowledge of the '454 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '454 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 2: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,721,482

COMPLAINT PARA. 23: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 24: On February 24, 1998, the USPTO duly and legally issued United States Patent No. 5,721,482 (“the '482 patent”), entitled “Intelligent Battery and Method for Providing an Advance Low Battery Warning for a Battery Powered Device such as a Defibrillator,” to the listed inventor Carl E. Benvegar of McMinnville, Oregon, and other co-inventors in Oregon and Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '482 patent, a copy of which is attached as Exhibit B, until August 18, 2010, when it assigned the '482 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,721,482 (“the '482 patent”) is titled “Intelligent Battery and Method for Providing an Advance Low Battery Warning for a Battery Powered Device such as a Defibrillator” and on its face lists Carl E. Benvegar of Oregon and other individuals in Washington and Oregon as inventors. ZOLL denies that the '482 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 25: Upon information and belief, Zoll has infringed and continues to infringe the '482 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States infringing products, including the Zoll Smart Battery and automated external defibrillators, including the AED Pro automated external defibrillator, and by contributing to and/or inducing infringement of the '482 patent.

ANSWER: Denied.

COMPLAINT PARA. 26: Zoll does not have a license or permission to use the '482 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 27: As a result of Zoll's infringement of the '482 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 28: As a result of Zoll's infringement of the '482 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 29: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '482 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 30: Despite knowledge of the '482 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '482 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 3: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,735,879

COMPLAINT PARA. 31: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 32: On April 7, 1998, the USPTO duly and legally issued United States Patent No. 5,735,879 (“the ’879 patent”), entitled “Electrotherapy Method for External Defibrillators,” to the listed inventor Bradford E. Gliner of Bellevue, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the ’879 patent, a copy of which is attached as Exhibit C, until August 18, 2010, when it assigned the ’879 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,735,879 (“the ’879 patent”) is titled “Electrotherapy Method for External Defibrillators” and on its face lists Bradford E. Gliner and other individuals in Washington as inventors. ZOLL denies that the ’879 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 33: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the ’879 patent number.

ANSWER: Denied.

COMPLAINT PARA. 34: Upon information and belief, Zoll has infringed and continues to infringe the ’879 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the ’879 patent.

ANSWER: Denied.

COMPLAINT PARA. 35: Zoll does not have a license or permission to use the ’879 patent.

ANSWER: Denied. See affirmative defenses 7–9..

COMPLAINT PARA. 36: As a result of Zoll’s infringement of the ’879 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 37: As a result of Zoll’s infringement of the ’879 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll’s infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 38: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '879 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 39: Despite knowledge of the '879 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '879 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 4: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,749,905

COMPLAINT PARA. 40: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 41: On May 12, 1998, the USPTO duly and legally issued United States Patent No. 5,749,905 (“the '905 patent”), entitled “Electrotherapy Method Utilizing Patient Dependent Electrical Parameters,” to the listed inventor Bradford E. Gliner of Bellevue, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '905 patent, a copy of which is attached as Exhibit D, until August 18, 2010, when it assigned the '905 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,749,905 (“the '905 patent”) is titled “Electrotherapy Method Utilizing Patient Dependent Electrical Parameters” and on its face lists Bradford E. Gliner and other individuals in Washington as inventors. ZOLL denies that the '905 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 42: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the '905 patent number.

ANSWER: Denied.

COMPLAINT PARA. 43: Upon information and belief, Zoll has infringed and continues to infringe the '905 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including

the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '905 patent.

ANSWER: Denied.

COMPLAINT PARA. 44: Zoll does not have a license or permission to use the '905 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 45: As a result of Zoll's infringement of the '905 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 46: As a result of Zoll's infringement of the '905 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 47: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '905 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 48: Despite knowledge of the '905 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '905 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 5: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,773,961

COMPLAINT PARA. 49: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 50: On June 30, 1998, the USPTO duly and legally issued United States Patent No. 5,773,961 ("the '961 patent"), entitled "Dynamic Load Controller for a Battery," to the listed inventor David B. Cameron of Seattle, Washington, and other co-inventors in

Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '961 patent, a copy of which is attached as Exhibit E, until August 18, 2010, when it assigned the '961 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,773,961 is titled "Dynamic Load Controller for a Battery" and on its face lists David B. Cameron and other individuals in Washington as inventors. ZOLL denies that the '961 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 51: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the '961 patent number.

ANSWER: Denied.

COMPLAINT PARA. 52: Upon information and belief, Zoll has infringed and continues to infringe the '961 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States infringing products, including the Zoll Smart Battery and automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '961 patent.

ANSWER: Denied.

COMPLAINT PARA. 53: Zoll does not have a license or permission to use the '961 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 54: As a result of Zoll's infringement of the '961 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 55: As a result of Zoll's infringement of the '961 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 56: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '961 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 57: Despite knowledge of the '961 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '961 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 6: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,800,460

COMPLAINT PARA. 58: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 59: On September 1, 1998, the USPTO duly and legally issued United States Patent No. 5,800,460 (“the '460 patent”), entitled “Method for Performing Self-Test in a Defibrillator,” to the listed inventor Daniel J. Powers of Bainbridge Island, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '460 patent, a copy of which is attached as Exhibit F, until August 18, 2010, when it assigned the '460 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,800,460 (“the '460 patent”) is titled “Method for Performing Self-Test in a Defibrillator,” and on its face lists Daniel J. Powers and other individuals in Washington as inventors. ZOLL denies that the '460 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 60: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the '460 patent number.

ANSWER: Denied.

COMPLAINT PARA. 61: Upon information and belief, Zoll has infringed and continues to infringe the '460 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '460 patent.

ANSWER: Denied.

COMPLAINT PARA. 62: Zoll does not have a license or permission to use the '460 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 63: As a result of Zoll's infringement of the '460 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 64: As a result of Zoll's infringement of the '460 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 65: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '460 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 66: Despite knowledge of the '460 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '460 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 7: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,803,927

COMPLAINT PARA. 67: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 68: On September 8, 1998, the USPTO duly and legally issued United States Patent No. 5,803,927 (“the ’927 patent”), entitled “Electrotherapy Method and Apparatus for External Defibrillation,” to the listed inventor David Cameron of Seattle, Washington, and other coinventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the ’927 patent, a copy of which is attached as Exhibit G, until August 18, 2010, when it assigned the ’927 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,803,927 (“the ’927 patent”) is titled “Electrotherapy Method and Apparatus for External Defibrillation,” and on its face lists David Cameron and other individuals in Washington as inventors. ZOLL denies that the ’927 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 69: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the ’927 patent number.

ANSWER: Denied.

COMPLAINT PARA. 70: Upon information and belief, Zoll has infringed and continues to infringe the ’927 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the ’927 patent.

ANSWER: Denied.

COMPLAINT PARA. 71: Zoll does not have a license or permission to use the ’927 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 72: As a result of Zoll’s infringement of the ’927 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 73: As a result of Zoll’s infringement of the ’927 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll’s infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 74: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '927 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 75: Despite knowledge of the '927 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '927 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 8: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,836,978

COMPLAINT PARA. 76: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1-13 as if fully set forth herein.

COMPLAINT PARA. 77: On November 17, 1998, the USPTO duly and legally issued United States Patent No. 5,836,978 ("the '978 patent"), entitled "Electrotherapy Method for Producing a Multiphasic Discharge Based upon a Patient-Dependant [*sic*] Electrical Parameter and Time," to the listed inventor Bradford E. Gliner of Bellevue, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '978 patent, a copy of which is attached as Exhibit H, until August 18, 2010, when it assigned the '978 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,836,978 ("the '978 patent") is titled "Electrotherapy Method for Producing a Multiphasic Discharge Based upon a Patient-Dependent Electrical Parameter and Time," and on its face lists Bradford E. Gliner and other individuals in Washington state as inventors. ZOLL denies that the '978 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 78: Upon information and belief, Zoll has infringed and continues to infringe the '978 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '978 patent.

ANSWER: Denied.

COMPLAINT PARA. 79: Zoll does not have a license or permission to use the '978 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 80: As a result of Zoll's infringement of the '978 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 81: As a result of Zoll's infringement of the '978 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 82: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '978 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 83: Despite knowledge of the '978 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '978 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 9: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,879,374

COMPLAINT PARA. 84: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 85: On March 9, 1999, the USPTO duly and legally issued United States Patent No. 5,879,374 (“the ’374 patent”), entitled “External Defibrillator with Automatic Self-Testing Prior to Use,” to the listed inventor Daniel J. Powers of Bainbridge, Washington, and other coinventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the ’374 patent, a copy of which is attached as Exhibit I, until August 18, 2010, when it assigned the ’374 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 5,879,374 (“the ’374 patent”) is titled “External Defibrillator with Automatic Self-Testing Prior to Use,” and on its face lists Daniel J. Powers and other individuals in Washington as inventors. ZOLL denies that the ’374 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 86: Upon information and belief, Philips and its predecessors, including Heartstream, Inc., Hewlett-Packard Company, and Agilent Technologies, Inc., have continuously marked their products with the ’374 patent number.

ANSWER: Denied.

COMPLAINT PARA. 87: Upon information and belief, Zoll has infringed and continues to infringe the ’374 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the ’374 patent.

ANSWER: Denied.

COMPLAINT PARA. 88: Zoll does not have a license or permission to use the ’374 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 89: As a result of Zoll’s infringement of the ’374 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 90: As a result of Zoll’s infringement of the ’374 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll’s infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 91: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '374 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 92: Despite knowledge of the '374 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '374 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 10: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,047,212

COMPLAINT PARA. 93: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1-13 as if fully set forth herein.

COMPLAINT PARA. 94: On April 4, 2000, the USPTO duly and legally issued United States Patent No. 6,047,212 ("the '212 patent"), entitled "External Defibrillator Capable of Delivering Patient Impedance Compensated Biphasic Waveforms," to the listed inventor Bradford E. Gliner of Bellevue, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the '212 patent, a copy of which is attached as Exhibit J, until August 18, 2010, when it assigned the '212 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 6,047,212 ("the '212 patent") is titled "External Defibrillator Capable of Delivering Patient Impedance Compensated Biphasic Waveforms," and on its face lists Bradford E. Gliner and other individuals in Washington as inventors. ZOLL denies that the '212 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 95: Upon information and belief, Philips has continuously marked its products with the '212 patent number.

ANSWER: Denied.

COMPLAINT PARA. 96: Upon information and belief, Zoll has infringed and continues to infringe the '212 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '212 patent.

ANSWER: Denied.

COMPLAINT PARA. 97: Zoll does not have a license or permission to use the '212 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 98: As a result of Zoll's infringement of the '212 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 99: As a result of Zoll's infringement of the '212 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 100: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '212 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 101: Despite knowledge of the '212 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '212 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 11: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,178,357

COMPLAINT PARA. 102: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 103: On January 23, 2001, the USPTO duly and legally issued United States Patent No. 6,178,357 B1 (“the ’357 patent”), entitled “Electrode Pad System and Defibrillator Electrode Pad That Reduces the Risk of Peripheral Shock,” to the listed inventor Bradford E. Gliner of Bellevue, Washington, and other co-inventors in Washington and other locations. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. was the assignee and owner of the ’357 patent, a copy of which is attached as Exhibit K, until August 18, 2010, when it assigned the ’357 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 6,178,357 B1 (“the ’357 patent”) is titled “Electrode Pad System and Defibrillator Electrode Pad That Reduces the Risk of Peripheral Shock,” and on its face lists Bradford E. Gliner and other individuals in Washington and New York as inventors. ZOLL denies that the ’357 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 104: Upon information and belief, Zoll has infringed and continues to infringe the ’357 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States infringing products including Zoll’s CPR-D Padz and automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the ’357 patent.

ANSWER: Denied.

COMPLAINT PARA. 105: Zoll does not have a license or permission to use the ’357 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 106: As a result of Zoll’s infringement of the ’357 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 107: As a result of Zoll’s infringement of the ’357 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll’s infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 108: In a letter dated November 17, 2008, Philips provided notice to Zoll of the ’357 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 109: Despite knowledge of the '357 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '357 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 12: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,304,783

COMPLAINT PARA. 110: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 111: On October 16, 2001, the USPTO duly and legally issued United States Patent No. 6,304,783 B1 (“the '783 patent”), entitled “Defibrillator System Including a Removable Monitoring Electrodes Adapter and Method of Detecting the Monitoring Adapter,” to the listed inventor Thomas D. Lyster of Bothell, Washington, and other co-inventors in Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the '783 patent, a copy of which is attached as Exhibit L, until August 18, 2010, when it assigned the '783 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 6,304,783 B1 (“the '783 patent”) is titled “Defibrillator System Including a Removable Monitoring Electrodes Adapter and Method of Detecting the Monitoring Adapter,” and on its face lists Thomas D. Lyster and other individuals in Washington as inventors. ZOLL denies that the '783 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 112: Upon information and belief, Zoll has infringed and continues to infringe the '783 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '783 patent.

ANSWER: Denied.

COMPLAINT PARA. 113: Zoll does not have a license or permission to use the '783 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 114: As a result of Zoll's infringement of the '783 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 115: As a result of Zoll's infringement of the '783 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 116: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '783 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 117: Despite knowledge of the '783 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '783 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 13: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,356,785

COMPLAINT PARA. 118: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1-13 as if fully set forth herein.

COMPLAINT PARA. 119: On March 12, 2002, the USPTO duly and legally issued United States Patent No. 6,356,785 B1 ("the '785 patent"), entitled "External Defibrillator with CPR Prompts and ACLS Prompts and Methods of Use," to the listed inventor Cecily Anne Snyder of San Francisco, California, and other co-inventors in other locations. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the '785 patent, a copy of which is attached as Exhibit M, until August 18, 2010, when it assigned the '785 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 6,356,785 B1("the '785 patent") is titled "External Defibrillator with CPR Prompts and ACLS Prompts and Methods of Use," and on its face lists Cecily Anne Snyder of California and other individuals in Washington as inventors. ZOLL denies that the '785 patent was duly and legally issued by the United States Patent and

Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 120: Upon information and belief, Philips has continuously marked its products with the '785 patent number.

ANSWER: Denied.

COMPLAINT PARA. 121: Upon information and belief, Zoll has infringed and continues to infringe the '785 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States infringing products including Zoll's CPR-D Padz and automated external defibrillators, including the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '785 patent.

ANSWER: Denied.

COMPLAINT PARA. 122: Zoll does not have a license or permission to use the '785 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 123: As a result of Zoll's infringement of the '785 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 124: As a result of Zoll's infringement of the '785 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 125: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '785 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 126: Despite knowledge of the '785 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '785 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 14: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,441,582

COMPLAINT PARA. 127: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1–13 as if fully set forth herein.

COMPLAINT PARA. 128: On August 27, 2002, the USPTO duly and legally issued United States Patent No. 6,441,582 B1 (“the ’582 patent”), entitled “Battery Arrangement for Improved Defibrillator Safety,” to the listed inventor Daniel J. Powers of Issaquah, Washington. By assignment from the previous patent owner, Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the ’582 patent, a copy of which is attached as Exhibit N, until August 18, 2010, when it assigned the ’582 patent to Plaintiff Philips Electronics North America Corporation.

ANSWER: ZOLL admits that United States Patent No. 6,441,582 B1 (“the ’582 patent”) is titled “Battery Arrangement for Improved Defibrillator Safety,” and on its face lists Daniel J. Powers of Washington as an inventor. ZOLL denies that the ’582 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 129: Upon information and belief, Philips has continuously marked its products with the ’582 patent number.

ANSWER: Denied.

COMPLAINT PARA. 130: Upon information and belief, Zoll has infringed and continues to infringe the ’582 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including the AED Plus automated external defibrillators, and by contributing to and/or inducing infringement of the ’582 patent.

ANSWER: Denied.

COMPLAINT PARA. 131: Zoll does not have a license or permission to use the ’582 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 132: As a result of Zoll’s infringement of the ’582 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 133: As a result of Zoll's infringement of the '582 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 134: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '582 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 135: Despite knowledge of the '582 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '582 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

COUNT 15: ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,871,093

COMPLAINT PARA. 136: Philips incorporates by reference paragraphs 1-13 as if fully set forth herein.

ANSWER: ZOLL incorporates by reference its answers to paragraphs 1-13 as if fully set forth herein.

COMPLAINT PARA. 137: On March 22, 2005, the USPTO duly and legally issued United States Patent No. 6,871,093 B2 ("the '093 patent"), entitled "Reporting the Status for an External Defibrillator with an Audible Report in Response to a Specified User Input," to the listed inventor Kim J. Hansen of Renton, Washington. By assignment from the previous patent owner, Plaintiff Philips Electronics North America Corporation is the assignee and owner of the '093 patent, a copy of which is attached as Exhibit O.

ANSWER: ZOLL admits that United States Patent No. 6,871,093 B2 ("the '093 patent") is titled "Reporting the Status for an External Defibrillator with an Audible Report in Response to a Specified User Input," and on its face lists Kim J. Hansen of Washington as an inventor. ZOLL denies that the '093 patent was duly and legally issued by the United States Patent and Trademark Office. ZOLL lacks knowledge sufficient to confirm or deny the other allegations of this Paragraph, and therefore denies them.

COMPLAINT PARA. 138: Upon information and belief, Zoll has infringed and continues to infringe the '093 patent under 35 U.S.C. § 271(a), (b), and/or (c), by making, using, offering for sale, selling, and/or importing in the United States automated external defibrillators, including

the AED Plus and AED Pro automated external defibrillators, and by contributing to and/or inducing infringement of the '093 patent.

ANSWER: Denied.

COMPLAINT PARA. 139: Zoll does not have a license or permission to use the '093 patent.

ANSWER: Denied. See affirmative defenses 7–9.

COMPLAINT PARA. 140: As a result of Zoll's infringement of the '093 patent, Philips has been irreparably injured. Unless such infringing acts are enjoined by this Court, Philips will continue to suffer additional irreparable injury.

ANSWER: Denied.

COMPLAINT PARA. 141: As a result of Zoll's infringement of the '093 patent, Philips has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that Philips would have made but for Zoll's infringing acts.

ANSWER: Denied.

COMPLAINT PARA. 142: In a letter dated November 17, 2008, Philips provided notice to Zoll of the '093 patent and its infringing conduct.

ANSWER: ZOLL admits that it received a letter from Philips dated November 17, 2008. ZOLL denies the other allegations of this paragraph.

COMPLAINT PARA. 143: Despite knowledge of the '093 patent, Zoll has continued to infringe this patent. Zoll acted with reckless disregard of the '093 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

ANSWER: Denied.

PRAYER FOR RELIEF

WHEREFORE, Philips respectfully requests the following relief:

- (a) a declaration that Zoll infringes Patents-in-Suit under 35 U.S.C. § 271(a), (b), and/or (c) and a final judgment incorporating the same;
- (b) equitable relief under 35 U.S.C. § 283, including, but not limited to, an injunction that enjoins Zoll and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing, contributing to, and/or inducing infringement of Patents-in-Suit;

- (c) an award of damages sufficient to compensate Philips for infringement of Patents-in-Suit by Zoll, together with prejudgment and post-judgment interest under 35 U.S.C. § 284;
- (d) entry of an order compelling Zoll to compensate Philips for any ongoing and/or future infringement of the Patents-in-Suit, in an amount and under terms appropriate under the circumstances;
- (e) a declaration or order finding that Zoll's infringement is willful and/or an order increasing damages under 35 U.S.C. § 284;
- (f) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 and awarding Philips its reasonable attorney fees, costs, and expenses; and
- (g) such other relief deemed just and proper.

ANSWER: ZOLL requests that the Court deny all relief to Philips, including that requested by Philips in its Prayer for Relief.

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Philips hereby demands trial by jury of all issues so triable by a jury in this action.

ANSWER: This paragraph does not require a response by ZOLL.

AFFIRMATIVE DEFENSES

ZOLL's Affirmative Defenses are listed below. ZOLL reserves the right to amend its Answer to add additional Affirmative Defenses consistent with the facts discovered in the case.

FIRST DEFENSE (NONINFRINGEMENT)

1. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,607,454 ("the '454 patent") under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
2. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,721,482 ("the '482 patent") under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
3. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,735,879 ("the '879 patent") under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
4. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,749,905 ("the '905 patent") under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

5. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,773,961 (“the ’961 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
6. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,800,460 (“the ’460 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
7. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,803,927 (“the ’927 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
8. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,836,978 (“the ’978 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
9. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 5,879,374 (“the ’374 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
10. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,047,212 (“the ’212 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
11. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,178,357 (“the ’357 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
12. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,304,783 (“the ’783 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
13. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,356,785 (“the ’785 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
14. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,441,582 (“the ’582 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).
15. ZOLL does not infringe and has not infringed any claim of U.S. Patent No. 6,871,093 (“the ’093 patent”) under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

SECOND DEFENSE (INVALIDITY)

16. The ’454 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.

17. The '482 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
18. The '879 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
19. The '905 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
20. The '961 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
21. The '460 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
22. The '927 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
23. The '978 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
24. The '374 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
25. The '212 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
26. The '357 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
27. The '783 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
28. The '785 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
29. The '582 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.
30. The '093 patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.

THIRD DEFENSE (FAILURE TO MARK)

31. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '454 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C.

- § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '454 patent.
32. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '482 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '482 patent.
 33. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '879 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '879 patent.
 34. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '905 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '905 patent.
 35. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '961 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '961 patent.
 36. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '460 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '460 patent.
 37. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '927 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '927 patent.
 38. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '978 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '978 patent.
 39. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '374 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C.

§ 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '374 patent.

40. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '212 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '212 patent.
41. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '357 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '357 patent.
42. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '783 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '783 patent.
43. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '785 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '785 patent.
44. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '582 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '582 patent.
45. Philips Electronics N.V. and/or Philips Electronics North America Corporation, their alleged predecessors in interest to the '093 patent, and/or their respective licensees have failed to properly mark one of more of their relevant products as required by 35 U.S.C. § 287. ZOLL is thus not liable to Philips for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '093 patent.

FOURTH DEFENSE (NO LIABILITY FOR INDIRECT INFRINGEMENT)

46. To the extent that Philips asserts that ZOLL indirectly infringes, either by contributory infringement or inducement of infringement, ZOLL is not liable to Philips for the acts alleged to have been performed before ZOLL knew that its actions would cause infringement.

FIFTH DEFENSE (LACK OF STANDING)

47. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '454 patent and/or to recover damages for its infringement.
48. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '482 patent and/or to recover damages for its infringement.
49. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '879 patent and/or to recover damages for its infringement.
50. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '905 patent and/or to recover damages for its infringement.
51. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '961 patent and/or to recover damages for its infringement.
52. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '460 patent and/or to recover damages for its infringement.
53. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '927 patent and/or to recover damages for its infringement.
54. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '978 patent and/or to recover damages for its infringement.
55. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '374 patent and/or to recover damages for its infringement.
56. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '212 patent and/or to recover damages for its infringement.
57. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '357 patent and/or to recover damages for its infringement.
58. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '783 patent and/or to recover damages for its infringement.
59. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '785 patent and/or to recover damages for its infringement.
60. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '582 patent and/or to recover damages for its infringement.
61. Koninklijke Philips Electronics N.V. and/or Philips Electronics North America Corporation lack standing to enforce the '093 patent and/or to recover damages for its infringement.

**SIXTH DEFENSE (PROSECUTION HISTORY ESTOPPEL / PROSECUTION
DISCLAIMER)**

62. Prosecution history estoppel and/or prosecution disclaimer preclude any finding of infringement.

SEVENTH DEFENSE (ESTOPPEL, WAIVER)

63. Philips' claims for relief are barred on the grounds of estoppel and waiver.

EIGHTH DEFENSE (PATENT EXHAUSTION/FULL COMPENSATION)

64. Philips' claims for relief are barred due to patent exhaustion and/or under the full compensation rule.

NINTH DEFENSE (LACHES/TIME LIMITATION ON DAMAGES)

65. The claims for relief are barred by laches and/or 35 U.S.C. §§ 284, 286, and 287.

TENTH DEFENSE (INTERVENING RIGHTS)

66. The claims for relief are limited due to legal and/or equitable intervening rights under 35 U.S.C. §§ 252 and 307(b).

ELEVENTH DEFENSE (FAILURE TO STATE A CLAIM)

67. The Complaint and each count/claim alleged fail to state any claim against ZOLL upon which relief can be granted.

TWELFTH DEFENSE (28 U.S.C. § 1498)

68. To the extent that the accused products have been used or manufactured by or for the United States, the claims for relief are barred by 28 U.S.C. § 1498.

COUNTERCLAIMS

The Parties

69. Counterclaim Plaintiff ZOLL Medical Corporation ("ZOLL") is a corporation organized under the laws of the Commonwealth of Massachusetts, with a principal place of business in Massachusetts.
70. On information and belief based solely on Paragraph 2 of the Amended Complaint as pled by Philips, Koninklijke Philips Electronics N.V. is a corporation organized under the laws of the Netherlands with a principal place of business in Eindhoven, the Netherlands.

71. On information and belief based solely on Paragraph 3 of the Amended Complaint as pled by Philips, Philips Electronics North America Corporation is a corporation organized and existing under the laws of Delaware, with a place of business at in Massachusetts.
72. On information and belief based solely on Paragraph 3 of the Amended Complaint as pled by Philips, Philips Electronics North America Corporation is a wholly-owned subsidiary of Philips Holding USA, Inc., which, directly and indirectly, is a wholly-owned subsidiary of Plaintiff Koninklijke Philips Electronics N.V.

Jurisdiction

73. This counterclaim arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court is proper under at least 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331, 1338, 1367, and 2201-02.
74. Venue is proper in this District pursuant to at least 28 U.S.C. §§ 1391 and 1400.

Count I: Declaratory Relief Regarding Non-infringement of the '454 patent

75. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
76. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '454 patent.
77. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, ZOLL requests a declaration by the Court that it does not infringe any claim of the '454 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count II: Declaratory Relief Regarding Non-infringement of the '482 patent

78. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
79. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '482 patent.
80. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, ZOLL requests a declaration by the Court that it does not infringe any claim of the '482 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count III: Declaratory Relief Regarding Non-infringement of the '879 patent

81. ZOLL incorporates by reference the previous paragraphs of these counterclaims.

82. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '879 patent.
83. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '879 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count IV: Declaratory Relief Regarding Non-infringement of the '905 patent

84. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
85. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '905 patent.
86. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '905 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count V: Declaratory Relief Regarding Non-infringement of the '961 patent

87. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
88. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '961 patent.
89. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '961 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count VI: Declaratory Relief Regarding Non-infringement of the '460 patent

90. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
91. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '460 patent.
92. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '460 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count VII: Declaratory Relief Regarding Non-infringement of the '927 patent

93. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
94. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '927 patent.
95. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '927 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count VIII: Declaratory Relief Regarding Non-infringement of the '978 patent

96. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
97. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '978 patent.
98. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '978 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count IX: Declaratory Relief Regarding Non-infringement of the '374 patent

99. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
100. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '374 patent.
101. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '374 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count X: Declaratory Relief Regarding Non-infringement of the '212 patent

102. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
103. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '212 patent.
104. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '212 patent under any

theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XI: Declaratory Relief Regarding Non-infringement of the '357 patent

105. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
106. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '357 patent.
107. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '357 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XII: Declaratory Relief Regarding Non-infringement of the '783 patent

108. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
109. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '783 patent.
110. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '783 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XIII: Declaratory Relief Regarding Non-infringement of the '785 patent

111. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
112. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '785 patent.
113. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '785 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XIV: Declaratory Relief Regarding Non-infringement of the '582 patent

114. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
115. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '582 patent.

116. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '582 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XV: Declaratory Relief Regarding Non-infringement of the '093 patent

117. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
118. Based on Philips' filing of this action and ZOLL's First Defense, an actual controversy has arisen and now exists between the parties as to whether ZOLL infringes the '093 patent.
119. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., ZOLL requests a declaration by the Court that it does not infringe any claim of the '093 patent under any theory, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement).

Count XVI: Declaratory Relief Regarding Invalidity of the '454 patent

120. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
121. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '454 patent.
122. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '454 patent are invalid.

Count XVII: Declaratory Relief Regarding Invalidity of the '482 patent

123. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
124. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '482 patent.
125. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '482 patent are invalid.

Count XVIII: Declaratory Relief Regarding Invalidity of the '879 patent

126. ZOLL incorporates by reference the previous paragraphs of these counterclaims.

127. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '879 patent.
128. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '879 patent are invalid.

Count XIX: Declaratory Relief Regarding Invalidity of the '905 patent

129. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
130. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '905 patent.
131. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '905 patent are invalid.

Count XX: Declaratory Relief Regarding Invalidity of the '961 patent

132. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
133. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '961 patent.
134. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '961 patent are invalid.

Count XXI: Declaratory Relief Regarding Invalidity of the '460 patent

135. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
136. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '460 patent.
137. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '460 patent are invalid.

Count XXII: Declaratory Relief Regarding Invalidity of the '927 patent

138. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
139. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '927 patent.
140. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '927 patent are invalid.

Count XXIII: Declaratory Relief Regarding Invalidity of the '978 patent

141. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
142. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '978 patent.
143. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '978 patent are invalid.

Count XXIV: Declaratory Relief Regarding Invalidity of the '374 patent

144. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
145. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '374 patent.
146. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '374 patent are invalid.

Count XXV: Declaratory Relief Regarding Invalidity of the '212 patent

147. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
148. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '212 patent.

149. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '212 patent are invalid.

Count XXVI: Declaratory Relief Regarding Invalidity of the '357 patent

150. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
151. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '357 patent.
152. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '357 patent are invalid.

Count XXVII: Declaratory Relief Regarding Invalidity of the '783 patent

153. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
154. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '783 patent.
155. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '783 patent are invalid.

Count XXVIII: Declaratory Relief Regarding Invalidity of the '785 patent

156. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
157. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '785 patent.
158. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '785 patent are invalid.

Count XXIX: Declaratory Relief Regarding Invalidity of the '582 patent

159. ZOLL incorporates by reference the previous paragraphs of these counterclaims.

160. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '582 patent.
161. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '582 patent are invalid.

Count XXX: Declaratory Relief Regarding Invalidity of the '093 patent

162. ZOLL incorporates by reference the previous paragraphs of these counterclaims.
163. Based on Philips' filing of this action and ZOLL's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '093 patent.
164. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and 35 U.S.C. § 100 et seq., ZOLL requests a declaration by the Court that the claims of the '093 patent are invalid.

PRAYER

165. ZOLL respectfully requests a judgment against Philips as follows:
 - A. A declaration that ZOLL does not infringe, under any theory, any valid claim of the Patents-in-Suit that may be enforceable;
 - B. A declaration that the asserted claims of the Patents-in-Suit are invalid;
 - C. A declaration that Philips take nothing by its Complaint;
 - D. Judgment against Philips and in favor of ZOLL;
 - E. Dismissal of the Complaint with prejudice;
 - F. An award to ZOLL of its costs and attorneys' fees incurred in this action; and
 - G. Further relief as the Court may deem just and proper.

JURY DEMAND

ZOLL hereby demands trial by jury on all issues.

Dated: July 18, 2011

/s/ Proshanto Mukherji

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CERTIFICATE OF SERVICE

I certify that this document and any attachments to it are being filed through the Court's electronic filing system on July 18, 2011, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Proshanto Mukherji

Proshanto Mukherji