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LOGIC TECHNOLOGY DEVELOPMENT, LLC

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

FONTEM VENTURES B.V., a  
Netherlands company; and FONTEM  
HOLDINGS 1 B.V., a Netherlands  
company,

Plaintiff,

v.

LOGIC TECHNOLOGY  
DEVELOPMENT LLC, a Florida limited  
liability company, and DOES 1-5,  
Inclusive,

Defendants.

Case No: 2:14-cv-01654-GW (MRWx)

**ANSWER TO FIRST AMENDED  
COMPLAINT**

**DEMAND FOR JURY TRIAL**

1 Defendant Logic Technology Development LLC (“Logic Technology”) hereby  
2 answers Plaintiffs Fontem Ventures B.V., and Fontem Holdings 1 B.V. (“Fontem” or  
3 “Plaintiffs”) First Amended Complaint for Patent Infringement (“Complaint”) as follows:

4 **JURISDICTION AND VENUE**

5 1. Logic Technology admits that Plaintiffs’ present action purports to be a civil  
6 action for patent infringement arising under the patent laws of the United States, 35  
7 U.S.C. §§ 101, et seq., and in particular § 271, but Logic Technology denies that  
8 Plaintiffs have any viable claim thereunder. Logic Technology denies any wrongdoing or  
9 liability on its own behalf.

10 2. Logic Technology admits that this Court has subject matter jurisdiction over  
11 this action under 28 U.S.C. §§ 1331 and 1338(a), but denies the legal sufficiency of  
12 Plaintiffs’ claims and allegations. Except as so expressly admitted herein, Logic  
13 Technology denies the allegations of paragraph 2 of the Complaint.

14 3. Logic Technology denies the allegations of paragraph 3 of the Complaint.

15 4. Logic Technology denies the allegations of paragraph 4 of the Complaint.

16 **PARTIES**

17 5. Logic Technology lacks knowledge or information sufficient to form a belief  
18 as to the truth or falsity of the allegations of paragraph 5 of the Complaint, and therefore  
19 denies them.

20 6. Logic Technology lacks knowledge or information sufficient to form a belief  
21 as to the truth or falsity of the allegations of paragraph 6 of the Complaint, and therefore  
22 denies them.

23 7. Logic Technology admits that it is a limited liability company organized and  
24 existing under the laws of the State of Florida and has its principal place of business at  
25 2004 N.W. 25th Ave., Pompano Beach, Florida, 33069, USA. Except as so expressly  
26 admitted herein, Logic Technology denies the allegations of paragraph 7 of the  
27 Complaint.

28 8. Logic Technology lacks knowledge or information sufficient to form a belief

1 as to the truth or falsity of the allegations of paragraph 8 of the Complaint, and therefore  
2 denies them.

3 **FIRST CAUSE OF ACTION**

4 9. Logic Technology incorporates its responses to the allegations of Paragraphs  
5 1-8 as though fully set forth herein.

6 10. Logic Technology admits that the face of U.S. Patent No. 8,365,742 (the  
7 “’742 patent”) indicates that it issued on February 5, 2013. Logic Technology denies that  
8 the ’742 patent was duly and legally issued. Logic Technology denies that the ’742  
9 patent is valid and subsisting in full force and effect. Logic Technology admits that a  
10 purported copy of the ’742 patent is attached to the Complaint as Exhibit A. Logic  
11 Technology lacks knowledge or information sufficient to form a belief as to the truth or  
12 falsity of the remaining allegations of paragraph 10 of the Complaint, and therefore  
13 denies them.

14 11. Logic Technology admits that Plaintiff filed a Joint Status Report on  
15 February 13, 2014. Logic Technology denies the remaining allegations of paragraph 11  
16 of the Complaint.

17 12. Logic Technology denies the allegations of paragraph 12 of the Complaint.

18 13. Logic Technology denies the allegations of paragraph 13 of the Complaint.

19 14. Logic Technology denies the allegations of paragraph 14 of the Complaint.

20 15. Logic Technology denies the allegations of paragraph 15 of the Complaint.

21 16. Logic Technology denies the allegations of paragraph 16 of the Complaint.

22 **SECOND CAUSE OF ACTION**

23 17. Logic Technology incorporates its responses to the allegations of Paragraphs  
24 1-8 as though fully set forth herein.

25 18. Logic Technology admits that the face of U.S. Patent No. 8,375,957 (the  
26 “’957 patent”) indicates that it issued on February 19, 2013. Logic Technology denies  
27 that the ’957 patent was duly and legally issued. Logic Technology denies that the ’957  
28 patent is valid and subsisting in full force and effect. Logic Technology admits that a

1 purported copy of the '957 patent is attached to the Complaint as Exhibit B. Logic  
2 Technology lacks knowledge or information sufficient to form a belief as to the truth or  
3 falsity of the remaining allegations of paragraph 18 of the Complaint, and therefore  
4 denies them.

5 19. Logic Technology admits that Plaintiff filed a Joint Status Report on  
6 February 13, 2014. Logic Technology denies the remaining allegations of paragraph 19  
7 of the Complaint.

8 20. Logic Technology denies the allegations of paragraph 20 of the Complaint.

9 21. Logic Technology denies the allegations of paragraph 21 of the Complaint.

10 22. Logic Technology denies the allegations of paragraph 22 of the Complaint.

11 23. Logic Technology denies the allegations of paragraph 23 of the Complaint.

12 24. Logic Technology denies the allegations of paragraph 24 of the Complaint.

13 **THIRD CAUSE OF ACTION**

14 25. Logic Technology incorporates its responses to the allegations of Paragraphs  
15 1-8 as though fully set forth herein.

16 26. Logic Technology admits that the face of U.S. Patent No. 8,393,331 (the  
17 "'331 patent") indicates that it issued on March 12, 2013. Logic Technology denies that  
18 the '331 patent was duly and legally issued. Logic Technology denies that the '331  
19 patent is valid and subsisting in full force and effect. Logic Technology admits that a  
20 purported copy of the '331 patent is attached to the Complaint as Exhibit C. Logic  
21 Technology lacks knowledge or information sufficient to form a belief as to the truth or  
22 falsity of the remaining allegations of paragraph 26 of the Complaint, and therefore  
23 denies them.

24 27. Logic Technology admits that Plaintiff filed a Joint Status Report on  
25 February 13, 2014. Logic Technology denies the remaining allegations of paragraph 27  
26 of the Complaint.

27 28. Logic Technology denies the allegations of paragraph 28 of the Complaint.

28 29. Logic Technology denies the allegations of paragraph 29 of the Complaint.

1 30. Logic Technology denies the allegations of paragraph 30 of the Complaint.

2 31. Logic Technology denies the allegations of paragraph 31 of the Complaint.

3 32. Logic Technology denies the allegations of paragraph 32 of the Complaint.

4 **FOURTH CAUSE OF ACTION**

5 33. Logic Technology incorporates its responses to the allegations of Paragraphs  
6 1-8 as though fully set forth herein.

7 34. Logic Technology admits that the face of U.S. Patent No. 8,490,628 (the  
8 “’628 patent”) indicates that it issued on July 23, 2013. Logic Technology denies that the  
9 ’628 patent was duly and legally issued. Logic Technology denies that the ‘628 patent is  
10 valid and subsisting in full force and effect. Logic Technology admits that a purported  
11 copy of the ’628 patent is attached to the Complaint as Exhibit D. Logic Technology  
12 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 remaining allegations of paragraph 34 of the Complaint, and therefore denies them.

14 35. Logic Technology admits that Plaintiff filed a Joint Status Report on  
15 February 13, 2014. Logic Technology denies the remaining allegations of paragraph 35  
16 of the Complaint.

17 36. Logic Technology denies the allegations of paragraph 36 of the Complaint.

18 37. Logic Technology denies the allegations of paragraph 37 of the Complaint.

19 38. Logic Technology denies the allegations of paragraph 38 of the Complaint.

20 39. Logic Technology denies the allegations of paragraph 39 of the Complaint.

21 40. Logic Technology denies the allegations of paragraph 40 of the Complaint.

22 **FIFTH CAUSE OF ACTION**

23 41. Logic Technology incorporates its responses to the allegations of Paragraphs  
24 1-8 as though fully set forth herein.

25 42. Logic Technology admits that the face of U.S. Patent No. 8,689,805 (the  
26 “’805 patent”) indicates that it issued on April 8, 2014. Logic Technology denies that the  
27 ’805 patent was duly and legally issued. Logic Technology denies that the ‘805 patent is  
28 valid and subsisting in full force and effect. Logic Technology admits that a purported

1 copy of the '805 patent is attached to the Complaint as Exhibit E. Logic Technology  
2 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 remaining allegations of paragraph 42 of the Complaint, and therefore denies them.

4 43. Logic Technology denies the allegations of paragraph 43 of the Complaint.

5 44. Logic Technology denies the allegations of paragraph 44 of the Complaint.

6 45. Logic Technology denies the allegations of paragraph 45 of the Complaint.

7 46. Logic Technology denies the allegations of paragraph 46 of the Complaint.

8 47. Logic Technology denies the allegations of paragraph 47 of the Complaint.

9 48. Logic Technology denies the allegations of paragraph 48 of the Complaint.

#### 10 **RESPONSE TO PRAYER FOR RELIEF**

11 Logic Technology denies that Plaintiff is entitled to any of the relief sought in  
12 Plaintiffs' Prayer for Relief, and to the extent that the Prayer for Relief contains any  
13 factual allegations, Logic Technology denies those allegations.

#### 14 **GENERAL DENIAL**

15 To the extent not expressly admitted above, Logic Technology denies the factual  
16 allegations contained in the Complaint.

#### 17 **LOGIC TECHNOLOGY'S DEFENSES**

18 Without altering any burden of proof, Logic Technology asserts the following  
19 defenses:

##### 20 **FIRST DEFENSE**

##### 21 **(NON-INFRINGEMENT)**

22 1. Logic Technology has not infringed, and is not infringing, either literally or  
23 under the doctrine of equivalents, any valid claim any of the patents-in-suit.

##### 24 **SECOND DEFENSE**

##### 25 **(PATENT INVALIDITY AND UNENFORCEABILITY)**

26 2. Upon information and belief, the patents-in-suit are invalid and  
27 unenforceable for failing to satisfy the conditions of patentability set forth in the U.S.  
28 patent laws, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

**THIRD DEFENSE**

**(ESTOPPEL)**

3. Plaintiffs' claims are barred in whole or in part by the equitable doctrine of estoppel, including, but not limited to, the doctrine of prosecution history estoppel. Upon information and belief, by reason of proceedings in the U.S. Patent and Trademark Office during the prosecution of the application that resulted in the patents-in-suit, as is shown by their file histories, and by reason of amendment, cancellation, or abandonment of claims, and the admissions and other statements made therein by or on behalf of the patentee(s), Plaintiff is estopped from claiming a construction of the patents-in-suit that would cause any valid claim to cover or include any method or system made, used, offered for sale, sold, or imported by Logic Technology.

**FOURTH DEFENSE**

**(FAILURE TO STATE A CLAIM)**

4. Upon information and belief, the Complaint fails to state facts upon which a claim for relief can be granted against Logic Technology.

**FIFTH DEFENSE**

**(NO ENHANCED DAMAGES)**

5. Plaintiffs fail to plead any facts to show objective recklessness, and Logic Technology has not acted with any recklessness and, therefore, Plaintiffs are not entitled to any enhanced damages.

**SIXTH DEFENSE**

**(DAMAGES LIMITATIONS)**

6. Upon information and belief, to the extent Plaintiffs may be entitled to damages, any claim for damages for patent infringement by Plaintiffs are limited by 35 U.S.C. §§ 286 and by 287 to those damages occurring only after notice of infringement.

**SEVENTH DEFENSE**

**(FAILURE TO MITIGATE DAMAGES)**

7. Plaintiffs' claims are barred in whole or in part due to Plaintiffs' failure to



1 mitigate damages, if any.

2 **EIGHTH DEFENSE**

3 **(UNCLEAN HANDS)**

4 8. Plaintiffs' claims are barred in whole or in part by the doctrine of unclean  
5 hands.

6 **NINTH DEFENSE**

7 **(DISCLAIMER)**

8 9. The claims for relief are barred, in whole or in part, by the doctrine of  
9 disclaimer.

10 **TENTH DEFENSE**

11 **(ENSNAREMENT)**

12 10. Plaintiffs' enforcement of the patents-in-suit against Logic Technology is  
13 barred by the doctrine of ensnarement. Plaintiff is foreclosed from asserting infringement  
14 under the doctrine of equivalents to the extent the scope of such equivalent would render  
15 the claim invalid for failure to satisfy one or more of the conditions of patentability as set  
16 forth in 35 U.S.C §§ 102 and/or 103.

17 **ELEVENTH DEFENSE**

18 **(NO INJUNCTIVE RELIEF)**

19 11. To the extent that Plaintiffs seek injunctive relief for alleged infringement,  
20 the relief sought by Plaintiff is unavailable because any alleged injury to Plaintiff is not  
21 immediate or irreparable and because Plaintiff has an adequate remedy at law for any  
22 alleged injury.

23 **TWELFTH DEFENSE**

24 **(NO ATTORNEYS' FEES OR COSTS)**

25 12. On information and belief, Logic Technology has not engaged in any  
26 conduct that entitles Plaintiffs to attorneys' fees or costs.

27 **THIRTEENTH DEFENSE**

28 **(FAILURE TO STATE A CLAIM OF WILLFUL INFRINGEMENT)**





**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Defendant Logic Technology Development LLC demands a trial by jury of all issues raised by the pleadings that are triable by jury.

Dated: May 2, 2014

Respectfully Submitted,

By: /s/ Victor de Gyarf  
VICTOR DE GYARFAS  
FOLEY & LARDNER LLP  
Attorneys for Defendant LOGIC  
TECHNOLOGY DEVELOPMENT LLC