

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

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

Plaintiffs,

v.

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

Defendants.

C.A. No. 19-1293-LPS

JURY TRIAL DEMANDED

DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT

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

SUMMARY OF NATURE OF ACTION

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

PARTIES

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

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

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

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

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

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

JURISDICTION AND VENUE

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

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

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

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

23. Defendants deny the allegations of this Paragraph.

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

25. Defendants deny the allegations of this Paragraph.

26. Defendants deny the allegations of this Paragraph.

27. Defendants deny the allegations of this Paragraph.

28. Defendants deny the allegations of this Paragraph.

COUNT II
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,596,806

29. Defendants incorporate by reference their responses to Paragraphs 1-28 as if set forth fully herein.

30. Defendants admit that what appears to be a copy of U.S. Patent No. 9,596,806 is attached as Exhibit B to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

32. Defendants admit that Toshinari Yamaoka, Fangjie Nie, and Haishen Xu are listed as inventors on the face of the '806 patent. Defendants deny the remaining allegations of this Paragraph.

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

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

35. Defendants deny the allegations of this Paragraph.

36. Defendants admit that Plaintiffs recite Claim 1 of the '806 patent. Defendants deny the remaining allegations of this Paragraph.

37. Defendants deny the allegations of this Paragraph.

38. Defendants deny the allegations of this Paragraph.

39. Defendants deny the allegations of this Paragraph.

40. Defendants deny the allegations of this Paragraph.

COUNT III
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,826,686

41. Defendants incorporate by reference their responses to Paragraphs 1-40 as if set forth fully herein.

42. Defendants admit that what appears to be a copy of U.S. Patent No. 9,826,686 is attached as Exhibit C to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

44. Defendants admit that Toshinari Yamaoka, Fangjie Nie, and Haishen Xu are listed as inventors on the face of the '26,686 patent. Defendants deny the remaining allegations of this Paragraph.

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

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

47. Defendants deny the allegations of this Paragraph.

48. Defendants admit that Plaintiffs recite Claim 1 of the '26,686 Patent. Defendants deny the remaining allegations of this Paragraph.

49. Defendants deny the allegations of this Paragraph.

50. Defendants deny the allegations of this Paragraph.

51. Defendants deny the allegations of this Paragraph.

52. Defendants deny the allegations of this Paragraph.

COUNT IV
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,986,686

53. Defendants incorporate by reference their responses to Paragraphs 1-52 as if set forth fully herein.

54. Defendants admit that what appears to be a copy of U.S. Patent No. 9,986,686 is attached as Exhibit D to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

56. Defendants admit that Toshinari Yamaoka, Fangjie Nie, and Haishen Xu are listed as inventors on the face of the '86,686 patent. Defendants deny the remaining allegations of this Paragraph.

57. Defendants deny the allegations of this Paragraph.

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

59. Defendants deny the allegations of this Paragraph.

60. Defendants admit that Plaintiffs recite Claim 1 of the '86,686 patent. Defendants deny the remaining allegations of this Paragraph.

61. Defendants deny the allegations of this Paragraph.

62. Defendants deny the allegations of this Paragraph.

63. Defendants deny the allegations of this Paragraph.

64. Defendants deny the allegations of this Paragraph.

COUNT V
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 10,070,588

65. Defendants incorporate by reference their responses to Paragraphs 1-64 as if set forth fully herein.

66. Defendants admit that what appears to be a copy of U.S. Patent No. 10,070,588 is attached as Exhibit E to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

68. Defendants admit that Toshinari Yamaoka, Fangjie Nie, and Haishen Xu are listed as inventors on the face of the '588 patent. Defendants deny the remaining allegations of this Paragraph.

69. Defendants deny the allegations of this Paragraph.

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

71. Defendants deny the allegations of this Paragraph.

72. Defendants admit that Plaintiffs recite Claim 1 of the '588 patent. Defendants deny the remaining allegations of this Paragraph.

73. Defendants deny the allegations of this Paragraph.

74. Defendants deny the allegations of this Paragraph.

75. Defendants deny the allegations of this Paragraph.

76. Defendants deny the allegations of this Paragraph.

COUNT VI
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,648,805

77. Defendants incorporate by reference their responses to Paragraphs 1-76 as if set forth fully herein.

78. Defendants admit that what appears to be a copy of U.S. Patent No. 9,648,805 is attached as Exhibit F to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

80. Defendants admit that Fangjie Nie and Qian Liu are listed as inventors on the face of the '805 patent. Defendants deny the remaining allegations of this Paragraph.

81. Defendants deny the allegations of this Paragraph.

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

83. Defendants deny the allegations of this Paragraph.

84. Defendants admit that Plaintiffs recite Claim 1 of the '805 patent. Defendants deny the remaining allegations of this Paragraph.

85. Defendants deny the allegations of this Paragraph.

86. Defendants deny the allegations of this Paragraph.

87. Defendants deny the allegations of this Paragraph.

88. Defendants deny the allegations of this Paragraph.

COUNT VII
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 10,477,772

89. Defendants incorporate by reference their responses to Paragraphs 1-88 as if set forth fully herein.

90. Defendants admit that what appears to be a copy of U.S. Patent No. 10,477,772 is attached as Exhibit G to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

92. Defendants admit that Toshinari Yamaoka, Fangjie Nie, Haishen Xu, and Xiandian Shao are listed as inventors on the face of the '772 patent. Defendants deny the remaining allegations of this Paragraph.

93. Defendants deny the allegations of this Paragraph.

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

95. Defendants deny the allegations of this Paragraph.

96. Defendants admit that Plaintiffs recite Claim 1 of the '772 patent. Defendants deny the remaining allegations of this Paragraph.

97. Defendants admit that Plaintiffs recite Claim 11 of the '772 patent. Defendants deny the remaining allegations of this Paragraph.

98. Defendants deny the allegations of this Paragraph.

99. Defendants deny the allegations of this Paragraph.

100. Defendants deny the allegations of this Paragraph.

101. Defendants deny the allegations of this Paragraph.

COUNT VIII
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 10,485,176

102. Defendants incorporate by reference their responses to Paragraphs 1-101 as if set forth fully herein.

103. Defendants admit that what appears to be a copy of U.S. Patent No. 10,485,176 is attached as Exhibit H to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

105. Defendants admit that Toshinari Yamaoka, Fangjie Nie, Haishen Xu, and Xiandian Shao are listed as inventors on the face of the '176 patent. Defendants deny the remaining allegations of this Paragraph.

106. Defendants deny the allegations of this Paragraph.

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

108. Defendants deny the allegations of this Paragraph.

109. Defendants admit that Plaintiffs recite Claim 1 of the '176 patent. Defendants deny the remaining allegations of this Paragraph.

110. Defendants deny the allegations of this Paragraph.

111. Defendants deny the allegations of this Paragraph.

112. Defendants deny the allegations of this Paragraph.

113. Defendants deny the allegations of this Paragraph.

COUNT IX
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 10,524,420

114. Defendants incorporate by reference their responses to Paragraphs 1-113 as if set forth fully herein.

115. Defendants admit that what appears to be a copy of U.S. Patent No. 10,524,420 is attached as Exhibit I to the Amended Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations of this Paragraph and therefore deny them.

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

117. Defendants admit that Toshinari Yamaoka, Fangjie Nie, Haishen Xu, and Xiandian Shao are listed as inventors on the face of the '420 patent. Defendants deny the remaining allegations of this Paragraph.

118. Defendants deny the allegations of this Paragraph.

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

120. Defendants deny the allegations of this Paragraph.

121. Defendants admit that Plaintiffs recite Claim 1 of the '420 patent. Defendants deny the remaining allegations of this Paragraph.

122. Defendants deny the allegations of this Paragraph.

123. Defendants deny the allegations of this Paragraph.

124. Defendants deny the allegations of this Paragraph.

125. Defendants deny the allegations of this Paragraph.

PRAYER FOR RELIEF

126. Defendants deny that Plaintiffs are entitled to any relief whatsoever in this action, either as prayed for in the Amended Complaint or otherwise.

* * *

AFFIRMATIVE DEFENSES

127. Defendants assert the following affirmative and other defenses. Discovery of Plaintiffs has not begun and therefore Defendants have not yet had sufficient time and opportunity to collect and review all the information that may be relevant to the matters and issues raised herein. Thus, Defendants reserve the right to seek amendment of, modify, and/or expand these defenses and to take further positions as discovery proceeds in this action. Furthermore, to the extent Plaintiffs amend the Complaint, Defendants reserve their right to amend this Answer and Affirmative Defenses.

FIRST AFFIRMATIVE DEFENSE
(FAILURE TO STATE A CLAIM)

128. Plaintiffs fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE
(NONINFRINGEMENT)

129. Although Defendants do not bear the burden of proof on this issue, Defendants deny that they (i) infringe or have infringed, either literally or under the doctrine of equivalents, (ii) contribute or have contributed to infringement by others, and (iii) induce or have induced others to infringe any valid asserted claim of the asserted patents.

THIRD AFFIRMATIVE DEFENSE
(INVALIDITY)

130. One or more claims of the asserted patents are invalid and/or unenforceable for failing to meet one or more requirements of patentability set forth in Part II of Title 35 of the

United States Code, including but not limited to sections 101, 102, 103, 112, 115, 116, and/or 256, or judicially created doctrines of invalidity including obviousness-type double patenting or the Rules and Regulations of the U.S. Patent and Trademark Office relating thereto.

131. Specifically, all of the asserted claims are invalid under 35 U.S.C. § 102 and/or § 103 in view of at least any reference listed on the face of the patents, any reference cited or referred to in the prosecution histories of the patents at issue, foreign counterparts to those patents, and related U.S. and foreign patents, and/or additional prior art identified during discovery, either individually or in combination. Defendants reserve the right to rely upon any prior art identified during discovery to establish invalidity of any asserted claim of any of the asserted patents under 35 U.S.C. § 102 and/or § 103.

132. Depending on the scope of the asserted claims of the asserted patents or Plaintiffs' contentions in connection therewith, one or more asserted claims of the asserted patents may be invalid for failure to comply with the requirements of 35 U.S.C. § 112 including lack of a written description, failure to particularly point out and distinctly claim the alleged invention, and/or failure to enable any person skilled in the art to make and use the alleged invention. As a non-exhaustive example, at least claims 9 and 12 of U.S. Patent No. 9,596,806 and claims 3, 4, 9, 13, 14, and 19 of U.S. Patent No. 9,826,686 are each indefinite pursuant to Section 112(2) because each adds further limitations to "the switch" without identifying which of multiple switches disclosed in its parent claim is further limited. Thus, at least these claims fail to particularly point out and distinctly claim the alleged invention. Further investigation may reveal additional examples, and Defendants reserve such rights.

133. Defendants incorporate by reference the Initial Invalidity Contentions served on Plaintiffs March 20, 2020.

134. This action is in its early stages and Defendants' investigation is ongoing. Defendants reserve the right to supplement, modify, and/or amend its invalidity defense as its investigation and discovery progresses.

FOURTH AFFIRMATIVE DEFENSE
(ESTOPPEL)

135. On information and belief, Plaintiffs' claims against Defendants are barred, in whole or in part, by estoppel, including but not limited to prosecution history estoppel.

136. On information and belief, Plaintiffs are estopped by virtue of the cancellations, amendments, representations and concessions made to the Patent and Trademark Office during the pendency of the applications for the asserted patents and for related patents and patent applications, from construing any valid and enforceable asserted claim to have been infringed by any accused product.

FIFTH AFFIRMATIVE DEFENSE
(EXPRESS/IMPLIED LICENSE AND/OR PATENT EXHAUSTION)

137. On information and belief, Defendants and/or their customers cannot be held liable for infringement because the accused products were manufactured, sold, used, and/or imported into the United States under an express and/or implied license from Plaintiffs and/or their affiliates and/or another licensed third party and/or its privies, or Plaintiffs have exhausted their rights in the asserted patents as to the accused products.

SIXTH AFFIRMATIVE DEFENSE
(ENSNAREMENT)

138. On information and belief, Plaintiffs' infringement claims are barred by the doctrine of ensnarement. Plaintiffs are foreclosed from asserting infringement under the doctrine of equivalents to the extent the scope of such equivalent would ensnare prior art.

SEVENTH AFFIRMATIVE DEFENSE
(WAIVER/UNCLEAN HANDS)

139. On information and belief, Plaintiffs' claims are barred by the equitable doctrines of waiver and/or unclean hands based at least upon Plaintiffs bringing this lawsuit when Plaintiffs know or should know that Defendants and/or their customers cannot be held liable for infringement because the accused products were manufactured, sold, used, and/or imported into the United States under an express and/or implied license from Plaintiffs and/or its affiliates and/or another licensed third party and/or its privies, or Plaintiffs have exhausted their rights in the asserted patents as to the accused products. Thus, on information and belief, Plaintiffs' actions in bringing this lawsuit violate conscience and equitable principles.

EIGHTH AFFIRMATIVE DEFENSE
(LIMITATION ON DAMAGES)

140. Any claim by Plaintiffs for damages is limited under 35 U.S.C. §§ 286, 287, and/or 271, as well as 28 U.S.C. § 1498. Plaintiffs are barred under 35 U.S.C. § 286 from recovering damages for any alleged infringing acts that occurred more than six years before the filing of the Complaint. In the alternative, Plaintiffs are limited by 35 U.S.C. § 287 to those damages occurring only after the notice of infringement. For example, Plaintiffs' request for damages are limited by the doctrine of patent marking. Under 35 U.S.C. § 271, Plaintiffs are limited to damages for infringement occurring only during the term of each patent found to be infringed. Additionally, Plaintiffs' claims for infringement as they relate to any product manufactured by Defendants for use by the United States is limited to the rights and remedies set forth in 28 U.S.C. § 1498. Plaintiffs cannot seek damages against Defendants for any product made for and/or used by the United States government.

RESERVATION OF ADDITIONAL DEFENSES

141. Defendants reserve all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses, at law and equity, that may now or in the future be available based on discovery or any other factual investigation concerning this case or any related action.

JURY DEMAND

142. Defendants demand a trial by jury of all issues so triable in this action.

REQUEST FOR RELIEF

WHEREFORE, Defendants pray for judgment that:

- A. The Amended Complaint be dismissed in its entirety with prejudice;
- B. Plaintiffs be denied any of the relief prayed for in their Amended Complaint or to any relief whatsoever;
- C. The asserted patents have never been, and are not now, infringed by Defendants directly or indirectly, or by any other person using Defendants' products in this judicial district or anywhere in the United States;
- D. No damages or royalties are due or owing for any of the acts alleged by Plaintiffs in their Amended Complaint against Defendants, nor is any preliminary or permanent injunction appropriate as a matter of law;
- E. Plaintiffs are barred from enforcing or attempting to enforce patent rights as against Defendants; and that
- F. Defendants be awarded their costs (including expert fees), disbursements, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and/or 18 U.S.C. § 1927 as against Plaintiffs, and such other and further relief as the Court may deem just and proper.

Dated: April 15, 2020

Of Counsel:

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CERTIFICATE OF SERVICE

I, Denise S. Kraft, hereby certify that on this 15 day of April 2020, I caused a true and correct copy of the foregoing **DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification to attorneys of record, and is available for viewing and downloading.

/s/ Denise S. Kraft

Denise S. Kraft (DE Bar No. 2778)