

1 JAMES C. OTTESON, State Bar No. 157781
2 jim@agilityiplaw.com
3 THOMAS T. CARMACK, State Bar No. 229324
4 tom@agilityiplaw.com
5 AGILITY IP LAW, LLP
6 149 Commonwealth Drive
7 Menlo Park, CA 94025
8 Telephone: (650) 227-4800
9 Facsimile: (650) 318-3483

10 Attorneys for Plaintiffs
11 TECHNOLOGY PROPERTIES LIMITED LLC
12 and PHOENIX DIGITAL SOLUTIONS LLC

13 CHARLES T. HOGE, State Bar No. 110696
14 choge@knlh.com
15 KIRBY NOONAN LANCE & HOGE LLP
16 350 Tenth Avenue, Suite 1300
17 San Diego, CA 92101
18 Telephone: (619) 231-8666

19 Attorneys for Plaintiff
20 PATRIOT SCIENTIFIC CORPORATION

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 TECHNOLOGY PROPERTIES LIMITED
24 LLC, PHOENIX DIGITAL SOLUTIONS
25 LLC, and PATRIOT SCIENTIFIC
26 CORPORATION,

27 Plaintiffs,

vs.

BARNES & NOBLE, INC.,

Defendant.

Case No. 12-cv-03863-VC

**PLAINTIFFS' ANSWER TO
COUNTERCLAIMS**

Plaintiffs Technology Properties Limited LLC, Phoenix Digital Solutions LLC, and Patriot Scientific Corporation (collectively "Plaintiffs") answer Defendant Barnes & Noble, Inc.'s ("B&N") Counterclaims by admitting, denying, and alleging as follows:

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PARTIES

1. Responding to paragraph 1 of the Counterclaims, Plaintiffs admit upon information and belief that Defendant B&N is a Delaware corporation with its principal place of business at 122 Fifth Avenue, New York, NY 10011.

2. Responding to paragraph 2 of the Counterclaims, admitted.

3. Responding to paragraph 3 of the Counterclaims, admitted.

4. Responding to paragraph 4 of the Counterclaims, admitted.

NATURE OF THE ACTION

5. Responding to paragraph 5 of the Counterclaims, Plaintiffs admit that B&N's Counterclaims seek declarations of noninfringement, invalidity and/or unenforceability. However, Plaintiffs deny that B&N is entitled to such declarations.

6. Responding to paragraph 6 of the Counterclaims, admitted.

JURISDICTION AND VENUE

7. Responding to paragraph 7 of the Counterclaims, admitted.

8. Responding to paragraph 8 of the Counterclaims, admitted.

9. Responding to paragraph 9 of the Counterclaims, admitted.

10. Responding to paragraph 10 of the Counterclaims, admitted.

DEFENDANT'S FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 5,440,749)

11. Responding to paragraph 11 of the Counterclaims, admitted.

12. Responding to paragraph 12 of the Counterclaims, denied.

13. Responding to paragraph 13 of the Counterclaims, denied.

DEFENDANT'S SECOND COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 5,530,890)

14. Responding to paragraph 14 of the Counterclaims, admitted.

15. Responding to paragraph 15 of the Counterclaims, denied.

16. Responding to paragraph 16 of the Counterclaims, denied.

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DEFENDANT’S THIRD COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of U.S. Patent No. 5,809,336)

- 17. Responding to paragraph 17 of the Counterclaims, admitted.
- 18. Responding to paragraph 18 of the Counterclaims, denied.
- 19. Responding to paragraph 19 of the Counterclaims, denied.
- 20. Responding to paragraph 20 of the Counterclaims, denied.

DEFENDANT’S FOURTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of U.S. Patent No. 5,440,749)

- 21. Responding to paragraph 21 of the Counterclaims, admitted.
- 22. Responding to paragraph 22 of the Counterclaims, denied.
- 23. Responding to paragraph 23 of the Counterclaims, denied.

DEFENDANT’S FIFTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of U.S. Patent No. 5,530,890)

- 24. Responding to paragraph 24 of the Counterclaims, admitted.
- 25. Responding to paragraph 25 of the Counterclaims, denied.
- 26. Responding to paragraph 26 of the Counterclaims, denied.

DEFENDANT’S SIXTH COUNTERCLAIM

(Declaratory Judgment of Invalidity of U.S. Patent No. 5,809,336)

- 27. Responding to paragraph 27 of the Counterclaims, admitted.
- 28. Responding to paragraph 28 of the Counterclaims, denied.
- 29. Responding to paragraph 29 of the Counterclaims, denied.

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Dated: June 30, 2014

Respectfully submitted,

AGILITY IP LAW, LLP

/s/ James C. Otteson
James C. Otteson
149 Commonwealth Drive
Menlo Park, CA 94025
Telephone: (650) 227-4800

Attorneys for Plaintiffs
TECHNOLOGY PROPERTIES LIMITED
LLC and PHOENIX DIGITAL SOLUTIONS
LLC

KIRBY NOONAN LANCE & HOGE LLP

/s/ Charles T. Hoge
Charles T. Hoge
350 Tenth Avenue, Suite 1300
San Diego, CA 92101
Telephone: (619) 231-8666

Attorneys for Plaintiff
PATRIOT SCIENTIFIC CORPORATION

FILER’S ATTESTATION PURSUANT TO L.R. 5-1(i)(3)

I, James C. Otteson, am the ECF User whose ID and password are being used to file the
“PLAINTIFFS’ ANSWER TO COUNTERCLAIMS.” I hereby attest that concurrence in the
filing of this document has been obtained from each of the other signatories.

Dated: June 30, 2014

By: /s/ James C. Otteson
James C. Otteson