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 7 GOOGLE INC.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12	ICONFIND, INC.,)	Case No. 2:11-CV-00319 GEB JFM
)	
13	Plaintiff,)	DEFENDANT GOOGLE INC.'S
14)	SECOND AMENDED ANSWER TO
15	v.)	PLAINTIFF'S COMPLAINT FOR
)	PATENT INFRINGEMENT AND
16	GOOGLE INC.,)	COUNTERCLAIMS
17)	
18	Defendant.)	
19)	

1 Defendant and counterclaimant Google Inc. (“Google”), by and through the undersigned
2 counsel, answers the Complaint of Patent Infringement of Plaintiff (the “Complaint”) and
3 counterclaim defendant IconFind, Inc. (“IconFind”) as follows:

4 1. Google admits that Plaintiff’s Complaint purports to state an action for patent
5 infringement and that this Court has subject matter jurisdiction over patent law claims. Google
6 denies any remaining allegations of paragraph 1.

7 2. Google is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations of paragraph 2, and therefore denies them.

9 3. Google is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations of paragraph 3, and therefore denies them.

11 4. Google admits that Google is a Delaware corporation with a principal place of
12 business in Mountain View, California. Google admits that it owns and operates
13 www.google.com, knol.google.com, books.google.com, and picasa.google.com.

14 5. Solely for the purposes of this action, Google does not contest personal jurisdiction
15 in this District. Google denies that it has committed any acts of infringement within this or any
16 other district and denies any remaining allegations of paragraph 5.

17 6. Solely for the purposes of this action, Google admits that venue is proper in the
18 Eastern District of California.

19 7. Denied.

20 8. Google is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations of paragraph 8, and therefore denies them.

22 9. Google admits that it received a letter from Plaintiff’s counsel, dated January 19,
23 2009 regarding IconFind and related to the U.S. Patent No. 7,181,459 (“the ’459 patent” or the
24 Patent-in-Suit”). Google also admits that reference to the ’459 patent appears on the face of U.S.
25 Patent Nos. 7,664,734; 7,693,825; and 7,788,274. Google denies that it has committed any acts of
26 infringement of the ’459 patent and denies any remaining allegations of paragraph 9.

1 description, lack of enablement, and claim indefiniteness for at least the reasons set forth in
2 Google's Invalidity Contentions which are hereby incorporated by reference and included as
3 Exhibit.

4 **Fifth Defense**

5 17. IconFind's claim for damages, if any, against Google for alleged infringement of the
6 '459 patent are limited by 35 U.S.C. §§ 286, 287, and/or 288.

7 **Sixth Defense**

8 18. On information and belief, IconFind's claims for relief are barred, in whole or in
9 part, by the equitable doctrines of laches and estoppel.

10 **Seventh Defense**

11 19. Any and all products or actions accused of infringement have substantial uses that
12 do not infringe and do not induce or contribute to the alleged infringement of the claims of the '459
13 patent.

14 **COUNTERCLAIMS**

15 Pursuant to Rule 13 of the Federal Rules of Civil Procedure, Google for its Counterclaims
16 against IconFind, alleges as follows:

17 **THE PARTIES**

18 1. Google is a corporation organized and existing under the laws of the State of
19 Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View,
20 California 94043.

21 2. Upon information and belief, Plaintiff IconFind, Inc. is a corporation organized and
22 existing under the laws of California with a principal place of business at 1660 Drew Circle #27,
23 Davis, California 95618.

24 **JURISDICTION AND VENUE**

25 3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and by
26 virtue of IconFind's admissions in the Complaint that venue is proper in this District.

1 description, lack of enablement, and claim indefiniteness for at least the reasons set forth in
2 Google's Invalidity Contentions which are hereby incorporated by reference and included as
3 Exhibit 1.

4 **EXCEPTIONAL CASE**

5 14. On information and belief, this is an exceptional case entitling Google to an award
6 of its attorneys' fees incurred in connection with defending and prosecuting this action pursuant to
7 35 U.S.C. § 285, as a result of, *inter alia*, IconFind's assertion of the Patent-in-Suit against Google
8 with the knowledge that Google does not infringe any valid or enforceable claim of the Patent-in-
9 Suit and/or that the Patent-in-Suit is invalid and/or unenforceable.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Google prays for judgment as follows:

- 12 a. A judgment dismissing IconFind's Complaint against Google with prejudice;
- 13 b. A judgment declaring that Google has not infringed, contributed to the infringement
14 of, or induced others to infringe, either directly or indirectly, any valid and
15 enforceable claim of the '459 patent;
- 16 c. A judgment declaring that the '459 patent is invalid and unenforceable;
- 17 d. A judgment declaring that Google has not willfully infringed and is not willfully
18 infringing any valid and/or enforceable claim of the '459 patent.
- 19 e. A judgment declaring that this case is exceptional and an award to Google of its
20 reasonable costs and expenses of litigation, including attorneys' fees and expert
21 witness fees;
- 22 f. A judgment declaring, limiting or barring IconFind's ability to enforce the '459
23 patent in equity; and
- 24 g. Such other and further relief as this Court may deem just and proper.
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DEMAND FOR JURY TRIAL

In accordance with Fed. R. Civ. P. 38(b), Google demands a trial by jury on all issues so triable.

Dated: August 12, 2011

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ Michael J. Malecek

Michael J. Malecek
Attorney for Defendant
GOOGLE INC.

KAYE SCHOLER LLP

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