

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GROUPON INC.,)	
)	
PLAINTIFF,)	Civil Action No. 10-CV-07456
)	
v.)	Hon. William J. Hibbler
)	
MOBGOB LLC.,)	
)	
DEFENDANT.)	
)	
)	
)	

**GROUPON, INC'S ANSWER TO MOBGOB, LLC'S COUNTERCLAIMS SEEKING
A DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY**

Subject to its Motion to Dismiss Defendant's Second Counterclaim filed concurrently herewith, and pursuant to Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure, Plaintiff Groupon, Inc. ("Groupon") hereby answers Defendant MobGob LLC's ("MobGob") counterclaims as follows:

23. MobGob brings these Counterclaims against Groupon pursuant to Rule 13 of the Federal Rules of Civil Procedure, and alleges as follows. All preceding paragraphs of this Answer are incorporated in full.

ANSWER: Groupon admits that MobGob brings its Counterclaims against Groupon pursuant to Rule 13 of the Federal Rules of Civil Procedure. Groupon incorporates all paragraphs of its Complaint, and denies any allegations of this paragraph to the contrary.

24. MobGob is a limited liability corporation organized under the laws of the State of California and having a place of business at 12100 Wilshire Blvd., Los Angeles, CA 90025.

ANSWER: Groupon lacks knowledge or information sufficient to form a belief as to whether MobGob is a limited liability corporation organized under the laws of the State of California and having a place of business at 12100 Wilshire Blvd., Los Angeles, CA 90025.

25. Upon information and belief, Groupon is a corporation organized under the laws of the State of Delaware and having a place of business at 600 West Chicago Ave., Chicago, IL 60654.

ANSWER: Admitted.

26. These are claims for a declaratory judgment of non-infringement and invalidity with respect to the '343 Patent.

ANSWER: Groupon admits that MobGob's Counterclaims seek a declaration that MobGob has not infringed, either directly or indirectly, any of the claims of the '343 Patent, either literally or under the doctrine of equivalents in part (b) of the prayer for relief. Groupon further admits that MobGob's Counterclaims seek a declaration that the '343 Patent is invalid in part (c) of the prayer for relief. Groupon denies any and all remaining allegations in this paragraph.

27. The Court has subject matter jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202 because an actual, justiciable controversy exists between MobGob and Groupon. In particular, Groupon has filed a Complaint alleging that MobGob is infringing the '343 Patent, and MobGob denies Groupon's material allegations.

ANSWER: Admitted.

28. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(c) because, among other things, Groupon has filed a Complaint against MobGob in this judicial district.

ANSWER: Admitted.

29. This Court has personal jurisdiction over Groupon.

ANSWER: Admitted.

30. MobGob incorporates by reference all preceding paragraphs of its Answer and Counterclaims as if set forth fully herein.

ANSWER: Groupon incorporates by reference its response to each preceding paragraph of this Answer and each paragraph of its Complaint as if set for fully herein.

31. Groupon alleges that it is the owner of the '343 Patent.

ANSWER: Groupon admits that it is the owner of the '343 Patent.

32. MobGob has not infringed, either directly or indirectly, any of the claims of the '343 Patent, either literally or under the doctrine of equivalents.

ANSWER: Denied.

33. MobGob incorporates by reference all preceding paragraphs of its Answer and Counterclaims as if set forth fully herein.

ANSWER: Groupon is not obligated to answer because of its motion to dismiss this counterclaim, filed concurrently herewith.

34. The '343 Patent is invalid for failing to comply with one or more provisions of Title 35 of the United States Code, including without limitation, 35 U.S.C. §§ 101-103, 112, and 116.

ANSWER: Groupon is not obligated to answer because of its motion to dismiss this counterclaim, filed concurrently herewith.

PRAYER FOR RELIEF

Wherefore, Groupon prays for judgment on MobGob's Counterclaims as follows:

- A. For dismissal of MobGob's Counterclaims with prejudice;
- B. For judgment in favor of Groupon in all respects;
- C. For a determination that this is an exceptional case under 35 U.S.C. § 285, and an award of attorneys' fees and costs to MobGob in this action; and
- D. For such other relief as the Court deems just.

Dated: February 23, 2011

Respectfully submitted,

Groupon, Inc.

s/ Kyle Davis
One of its Attorneys

Steven McMahon Zeller
SZeller@dykema.com
Kyle A. Davis
KDavis@dykema.com
Dykema Gossett PLLC
10 South Wacker Drive, Suite 2300
Chicago, Illinois 60606
Telephone: (312) 876-1700
Fax: (866) 562-8083

CERTIFICATE OF SERVICE

I, Kyle Davis, hereby certify that a copy of *Groupon, Inc's Answer to MobGob, LLC's Counterclaims Seeking a Declaratory Judgment of Non-Infringement and Invalidity* was served upon the following persons:

Alexander C.D. Giza
Russ, August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025

David B.H. Williams
Williams, Bax & Saltzman, P.C.
221 N. LaSalle Street #3700
Chicago, Illinois 60601

Counsel for Defendant MobGob, LLC.

via the Court's CM/ECF system.

Dated: February 23, 2011

/s/ Kyle A. Davis
Kyle A. Davis

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