

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TIMEBASE PTY LTD.,

Plaintiff,

vs.

THE THOMSON CORPORATION,
WEST PUBLISHING CORPORATION,
and WEST SERVICES, INC.,

Defendants.

Civil No. 07-1687 (JNE/JJG)

**DEFENDANTS' JOINT ANSWER
AND DEFENSES TO PLAINTIFF'S
AMENDED COMPLAINT**

JURY TRIAL DEMANDED

Defendants The Thomson Corporation, West Publishing Corporation, and West Services, Inc. (collectively "defendants"), for their Answer to the Amended Complaint of plaintiff TimeBase Pty Ltd. ("TimeBase"), state and allege by reference to the paragraph numbers of that Amended Complaint as follows:

PARTIES, JURISDICTION AND VENUE

1. This is a claim for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §1338(a).

ANSWER: Admitted.

2. TimeBase is organized under the laws of Australia, with its principal place of business at Level 1, 362 Kent Street, Sydney, NSW 2000.

ANSWER: Upon information and belief, defendants admit that TimeBase is organized under the laws of Australia, with its principal place of business at Level 1, 362 Kent Street, Sydney, NSW 2000.

3. TimeBase is the owner by assignment and has standing to sue for infringement of United States Patent No. 6,233,592, "System for Electronic Publishing."

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3.

4. The Thomson Corporation ("Thomson") is an alien corporation incorporated under the laws of Canada. Thomson sells publishing services and products nationwide and in this judicial district.

ANSWER: Defendants admit that The Thomson Corporation is an alien corporation incorporated under the laws of Canada. Defendants deny that Thomson sells publishing services and products nationwide and in this judicial district.

5. West Publishing Corporation ("West Publishing") is incorporated under the laws of Minnesota with its headquarters at 610 Opperman Drive, Eagan, Minnesota.

ANSWER: Admitted.

6. West Services Inc. ("West Services") is incorporated under the laws of Delaware with its headquarters at 610 Opperman Drive, Eagan, Minnesota.

ANSWER: Admitted.

7. Thomson, West Publishing, and West Services have used, sold, or offered to sell products and services that infringe the '592 patent within this judicial district, and have advertised the sale of such products in this judicial district.

ANSWER: Denied.

8. Thomson, West Publishing and West Services are subject to personal jurisdiction in this judicial district.

ANSWER: Admitted.

9. Venue is proper in this district under 28 U.S.C. §§1391(d) and 1400(b).

ANSWER: Admitted.

PATENT INFRINGEMENT

10. The defendants have infringed the '592 patent at least by making, using, importing, selling or offering to sell, and by inducing, aiding and/or abetting, encouraging or contributing to others' use of products and services that fall within the scope of one or more claims of the '592 patent. At present, the products embodying the patented invention are PastStat Locator, RegulationsPlus and Graphical Statutes. The claims asserted are 1 to 5 and 14 to 18. Additional products or claims may be identified in the course of discovery. Defendants have received notice of their infringement of the '592 patent.

ANSWER: Defendants admit that they received notice in the Complaint of plaintiff's claims of infringement of the '592 patent. Defendants deny the remaining allegations of paragraph 10.

11. The defendants' acts of infringement have injured TimeBase, and TimeBase is entitled to recover damages adequate to compensate it for the infringement that has occurred, but in no event less than a reasonable royalty.

ANSWER: Denied.

12. The infringement by the defendants has injured and will continue to injure TimeBase unless and until such infringement is enjoined by this Court.

ANSWER: Denied.

RESPONSE TO REQUEST FOR JUDGMENT

Defendants deny that plaintiff is entitled to any of the relief it has requested in its Request for Judgment.

DEFENSES

Failure to State a Claim

Timebase has failed to state a claim against one or more defendants upon which relief can be granted

Noninfringement

Defendants do not infringe any valid claim of the '592 patent.

Invalidity

The claims of the '592 patent are invalid for failure to comply with the patent laws, including without limitation, 35 U.S.C. §§ 102, 103, and/or 112.

Estoppel/Laches

TimeBase's claims are barred, in whole or in part, by the doctrines of estoppel and/or laches.

Marking

TimeBase's damages, if any, are limited under the marking requirements of 35 U.S.C. § 287.

Defendants reserve the right to assert any additional defenses that further investigation or discovery may support, including without limitation, the right to assert that the '592 patent is unenforceable for inequitable conduct.

PRAYER FOR RELIEF

WHEREFORE, defendants pray for the following relief:

- A. That TimeBase's Amended Complaint be dismissed with prejudice;
- B. That TimeBase take nothing by its Amended Complaint;
- C. That the Court enter judgment that defendants have not infringed the '592 patent;
- D. That the Court enter judgment that the '592 patent is invalid;
- E. That defendants be awarded their reasonable costs and attorneys' fees pursuant to 35 U.S.C. § 285; and
- F. That the Court award defendants such other relief that this Court deems just and proper.

JURY DEMAND

Defendants demand a trial by jury of all issues triable by right of jury.

Dated: June 18, 2007

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By:

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