

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

TIMEBASE PTY LTD.,)	
)	
Plaintiff,)	
)	Civil No. 0:07-CV-04551 (ADM/AJB)
vs.)	
)	
THE THOMSON CORPORATION,)	DEFENDANTS' ANSWER TO
WEST PUBLISHING)	PLAINTIFF'S COMPLAINT
CORPORATION, AND WEST)	
SERVICES, INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

Defendants The Thomson Corporation, West Publishing Corporation, and West Services, Inc. (collectively “defendants”), for their Answer to the Complaint of plaintiff TimeBase Pty Ltd. (“TimeBase”), state and allege by reference to the paragraph numbers of that 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. 7,293,228, “Maltweb Multi-Axis Viewing Interface and Higher Level Scoping.”

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 '228 patent within this judicial district, and have advertised the sale of such products in this judicial district.

ANSWER: Defendants deny that each of them has used, sold, or offered to sell products and services that infringe any valid claim of the '228 patent within this judicial district or that each of them has advertised the sale of such products in this judicial district.

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 '228 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 '228 patent. At present, the products embodying the patented invention are PastStat Locator, RegulationsPlus and Graphical Statutes. The asserted claims are, at present, 1 to 46. Additional products may be identified during the course of discovery. Thomson was notified in early 2006 and again in September 2006 that these products would infringe the application from which the '228 patent issued.

ANSWER: Defendants deny that each of them has infringed any valid claims of the '228 patent by making, using, importing, selling or offering to sell, or by inducing, aiding and/or abetting, encouraging or contributing to others' use of products and services that fall within the scope of any valid claims of the '228 patent, or that PastStat Locator, RegulationsPlus, or Graphical Statutes are embodiments of any valid claims of the '228 patent. Defendants admit that TimeBase asserted in late 2006 that it had a pending application which TimeBase claimed would cover PastStat Locator. Defendants deny that these assertions constitute notice that PastStat Locator, RegulationsPlus, and Graphical Statutes infringe the application from which the '228 patent issued or the '228 patent, and further deny that a patent application can be infringed.

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 the 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 '228 patent.

Invalidity

The claims of the '228 patent are invalid for the 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.

Prosecution Laches

TimeBase's claims are barred, in whole or in part, by the doctrine of prosecution laches.

Provisional Rights

TimeBase's damages, if any, do not include provisional rights damages under 35 U.S.C. § 154(d).

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 '228 patent is unenforceable for inequitable conduct.

PRAYER FOR RELIEF

WHEREFORE, defendants pray for the following relief:

- A. That TimeBase's Complaint be dismissed with prejudice;
- B. That TimeBase take nothing by its Complaint;
- C. That the Court enter judgment that defendants have not infringed the '228 patent;
- D. That the Court enter judgment that the '228 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: November 29, 2007

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