

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HONEYWELL INTERNATIONAL, INC.,

Plaintiff,

Civil No. 0:12-cv-00299-SRN-JSM

vs.

NEST LABS, INC., BEST BUY CO., INC.,
BEST BUY STORES, L.P., and
BESTBUY.COM, LLC

**HONEYWELL INTERNATIONAL'S
REPLY TO
NEST LABS' COUNTERCLAIMS**

Defendants.

Plaintiff Honeywell International, Inc. ("Honeywell"), hereby replies to the Counterclaims filed by Defendant Nest Labs, Inc. ("Nest Labs") as follows:

PARTIES

1. With respect to the allegations set forth in paragraph 132 of Nest Labs' Counterclaims, Honeywell admits that Nest Labs, Inc. is a Delaware corporation, with its principal place of business in Palo Alto, California.

2. With respect to the allegations set forth in paragraph 133 of Nest Labs' Counterclaims, Honeywell admits that it is a Delaware corporation, with its principal place of business in Morristown, New Jersey. Honeywell further states that the division of Honeywell that oversees the development and implementation of thermostats for homes and businesses in the United States is located in Golden Valley, Minnesota.

JURISDICTION AND VENUE

3. Honeywell admits the allegations of paragraph 134 of the Counterclaims.
4. Honeywell admits the allegations of paragraph 135 of the Counterclaims.

5. Honeywell admits the allegations of paragraph 136 of the Counterclaims.

SUMMARY OF COUNTERCLAIM CASE

6. The statements contained in paragraph 137 of the Counterclaims are not averments of facts to which a response is necessary, but rather, are self-serving characterizations based on Nest Labs' unfounded opinions and speculations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that a response is deemed necessary, Honeywell denies.

7. Honeywell admits that Nest Labs was founded by Tony Fadell and Matt Rogers, and that both men were previously employed by Apple. The remaining statements contained in paragraph 138 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of Nest Labs that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 138 of the Counterclaims and therefore denies them.

8. The statements contained in paragraph 139 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell lacks sufficient information

or knowledge to form a belief as to the truth or falsity of the allegations in paragraph 139 of the Counterclaims and therefore denies them.

9. Honeywell admits that the Nest Thermostat has embedded wireless communications capabilities and an LCD display. Honeywell admits that Nest Labs advertises the Nest Thermostat as having multiple sensors, but Honeywell currently lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations concerning such sensors, and therefore, denies them. Honeywell further admits that a user can provide certain programming input to the thermostat by rotating a ring and making selections between displayed choices. The remaining the statements contained in paragraph 140 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell lacks sufficient information or knowledge as to the truth or falsity of the remainder of the allegations of paragraph 140 of the Counterclaims and therefore denies them.

10. Honeywell admits that the Nest Thermostat can display a green leaf. Honeywell further admits that Nest Labs advertises that the Nest Thermostat can display certain information related to a user's history of energy usage, but Honeywell lacks sufficient information or knowledge as to the truth or falsity of such statement, and therefore, denies it. Honeywell further admits that a user can provide a heating or cooling schedule manually. With respect to the remaining the statements contained in

paragraph 141 of the Counterclaims, Honeywell lacks sufficient information or knowledge as to the truth or falsity of the allegations and therefore denies them.

11. Honeywell admits that certain users of the Nest Thermostat can also use the Nest Web App to interface with their Nest Thermostats and that an app can also be used with Android- and Apple-based mobile devices. Honeywell lacks sufficient information or knowledge as to the truth or falsity of the allegations of paragraph 142 of the Counterclaims related to the remaining statements, and therefore denies them.

12. Honeywell denies that traditional programmable thermostats are primarily marketed and purchased by expert home builders and HVAC professionals to the exclusion of home users. The remaining statements contained in paragraph 143 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell lacks sufficient information or knowledge as to the truth or falsity of the remaining allegations of paragraph 143 of the Counterclaims and therefore denies them.

13. The statements contained in paragraph 144 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

14. With respect to the allegation set forth in paragraph 145 of Nest Labs' Counterclaims, Honeywell admits that on or about October 25, 2011, Nest Labs made a public announcement related to the Nest Thermostat.

15. The statements contained in paragraph 146 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement, appear intended to divert attention away from the core issues, and ignore contrary reviews. Honeywell admits that Exhibit A is attached to the Counterclaims and purports to be the identified article. To the extent that an answer to the claims related to the Nest Thermostat made in the article is deemed necessary, Honeywell denies them.

16. The statements contained in paragraph 147 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. Honeywell admits that Exhibit B is attached to the Counterclaims and purports to be the identified article. To the extent that an answer is deemed necessary to the claims related to the Nest Thermostat made in the article, Honeywell denies them.

17. The statements contained in paragraph 148 of the Counterclaims are not averments of facts to which a response is necessary, but rather are irrelevant, self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues.

Honeywell admits that Exhibit C is attached to the Counterclaims and purports to be the identified article. To the extent that an answer to the claims related to the Nest Thermostat made in the article is deemed necessary, Honeywell denies them.

18. The statements contained in paragraph 149 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. Honeywell admits that Exhibit D is attached to the Counterclaims and purports to be the identified article. To the extent that an answer to the claims related to the Nest Thermostat made in the article is deemed necessary, Honeywell denies them.

19. The statements contained in paragraph 150 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer to the claims related to the Nest Thermostat made in the article is deemed necessary, Honeywell denies them.

20. The statements contained in paragraph 151 of the Counterclaims are not averments of facts to which a response is necessary, but rather are self-serving characterizations of the Nest Thermostat that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell lacks sufficient information

or belief as to the truth or falsity of the allegations of paragraph 151, and therefore denies them.

21. With respect to the allegations set forth in paragraph 152 of Nest Labs' Counterclaims, Honeywell admits that according to its 2011 Annual Report, its 2011 revenues exceeded \$36 billion across all of its business segments, including its major businesses of Aerospace, Automation and Control Solutions, Performance Materials and Technologies (formerly Specialty Materials), and Transportation Systems. Honeywell denies that its Five Initiatives, the first listed of which is "Growth," does not include any goal directed at innovation.

22. Honeywell admits that the partial quotations are taken from Exhibits A and D. The remaining statements contained in paragraph 153 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

23. Honeywell admits that Honeywell introduced its iconic, round T-86 thermostat in 1953, that round thermostats remain in production today, and that Honeywell displays three round non-programmable thermostats on its website. Honeywell denies the remaining statements contained in paragraph 154.

24. The statements contained in paragraph 155 are not averments of fact to which a response is necessary, but rather are self-serving characterizations and speculations that are irrelevant to Honeywell's valid claims of patent infringement and

appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

25. The statements contained in the first sentence of paragraph 156 are not averments of fact to which a response is necessary, but rather are self-serving characterizations and speculations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell states that Honeywell's references to "chunky, rectangular" thermostats referred to models that pre-date Honeywell's 1953 T-86 round thermostat, not current Honeywell thermostats. Honeywell admits the second sentence of paragraph 156. To the extent an answer is deemed necessary to any remaining allegations, Honeywell denies them.

26. Honeywell admits that some studies have concluded that programmable thermostats were complicated and difficult for users to program, and that EnergyStar discontinued evaluating programmable thermostats in December 2009. Honeywell further admits that the study cited contains the authors' conclusions as reflected in paragraph 157. The remaining statement in paragraph 157 is not an averment of fact to which a response is necessary, but rather an inaccurate attempt to attribute the selective characterizations to the Honeywell RTH7600. To the extent that an answer is deemed necessary, Honeywell denies it.

27. The statement contained in paragraph 158 is not an averment of fact to which a response is necessary, but rather consists of self-serving characterizations and speculations that are irrelevant to Honeywell's valid claims of patent infringement and

appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies it.

28. Honeywell admits that it purchased Quad Six in or about 1985 and that Quad Six's technology assets were incorporated into Honeywell. The remaining statements contained in paragraph 159 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

29. Honeywell admits that it asserted a counterclaim of trade dress infringement after Eco Manufacturing initiated a lawsuit against Honeywell. Honeywell admits that the Court in that case issued an opinion that contains a description of the history of intellectual property protection associated with the Honeywell Round. The remaining statements contained in paragraph 160 are not averments of fact to which a response is necessary, but rather are self-serving characterizations of the prior, unrelated litigation that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues, particularly given the fact that Honeywell makes no trade dress claims here. To the extent that an answer is deemed necessary, Honeywell denies them.

30. Honeywell admits that it asserted a counterclaim of trade dress infringement after Eco Manufacturing initiated a lawsuit against Honeywell. Honeywell admits that the Court in that case issued an opinion that included the excerpts reflected in paragraph 161. The remaining statements contained in paragraph 161 are not averments

of fact to which a response is necessary, but rather are self-serving characterizations of the prior, unrelated litigation that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues, particularly given the fact that Honeywell makes no trade dress claims here. To the extent that an answer is deemed necessary, Honeywell denies them.

31. Honeywell admits that based on the evidence before it, the Court in the unrelated *Eco Manufacturing* case made certain determinations in the opinion excerpted in paragraph 162 in concluding that the decision by the Trademark Trial Appeal Board was not entitled to deference. Nest Labs' attempt to extend that evidentiary ruling to this case is not an averment of fact to which a response is necessary, but rather is a self-serving characterization that is irrelevant to Honeywell's valid claims of patent infringement and appears intended to divert attention away from the core issues, particularly given the fact that Honeywell makes no trade dress claims here. To the extent that an answer is deemed necessary, Honeywell denies it.

32. Honeywell admits that it was sued in state court anti-trust actions after the *Eco Manufacturing* case. The remaining statements contained in paragraph 163 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are inaccurate and irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

33. Honeywell admits that it has initiated a patent infringement case against Venstar, Inc. The remaining statements contained in paragraph 164 are not averments of

fact to which a response is necessary, but rather are self-serving characterizations derived from Venstar's Motion to Dismiss that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

34. The statements contained in paragraph 165 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

35. Honeywell admits that David Pogue reviewed the Nest Thermostat on or about November 30, 2011, and that the quotation appears in Exhibit A. Honeywell also admits that it offers the Honeywell Prestige thermostat that has a color screen and internet connections. The remaining statements contained in paragraph 166 are not averments of fact to which a response is necessary, but rather are selective excerpts of the article that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

36. Honeywell admits that Farhad Manjoo did a report in on the Nest Thermostat. The remaining statements contained in paragraph 167 are not averments of fact to which a response is necessary, but rather are selective and self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an

answer to the remaining statements in paragraph 167 is deemed necessary, Honeywell denies them.

37. The statements contained in paragraph 168 are not averments of fact to which a response is necessary, but rather are self-serving and selective characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. Honeywell admits that the identified Fortune article contains the quoted excerpt. To the extent that an answer is deemed necessary, Honeywell denies them.

38. The statements contained in paragraph 169 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

39. Honeywell admits that Nest Labs appears to have attached European Patent Application EP 1 065 079 A2, untranslated from German, as Exhibit E. Honeywell denies that the cited patent invalidates the asserted '899 Patent. Honeywell admits that some of the asserted patents relate to round thermostats, but denies that Nest Labs' general interpretation of the scope of the patents – made without any reference to the words of the patent claims – is accurate. The remaining statements contained in paragraph 170 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent

infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

40. Honeywell admits that it filed an application resulting in United States Patent No. 4,657,179 ("179 Patent") entitled "Distributed Environmental/Load Control System" that disclosed a remotely located control module which was capable of providing control signals to a variety of temperature regulating equipment. Honeywell admits that the '179 Patent was not cited during the prosecution of the '958 patent, but denies that the disclosure of the '179 Patent to the United States Patent and Trademark Office ("USPTO") during the prosecution of the '958 Patent was necessary or appropriate. Honeywell further denies that the '179 Patent invalidates the '958 Patent. Honeywell further denies that Nest Labs' characterization of the scope of '958 Patent and its characterization of whether Nest infringes certain claims of the '958 Patent are accurate. The remaining statements contained in paragraph 171 are not averments of fact to which a response is necessary, but rather are self-serving characterizations that are irrelevant to Honeywell's valid claims of patent infringement and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

41. With respect to the allegations set forth in paragraph 172 of Nest Labs' Counterclaims, Honeywell admits that it filed for United States Patent No. 5,736,795 ("795 Patent") prior to the filing of the asserted '988 Patent. Honeywell admits that the '795 Patent was not cited during the prosecution of the '988 Patent, but denies that disclosure of the '795 Patent to the USPTO during the prosecution of the '988 Patent was

necessary or appropriate. Honeywell further denies that Nest Labs' characterization of the scope of '988 Patent is accurate and that the '795 Patent invalidates the '988 Patent.

42. Honeywell admits that claim 1 of the asserted '790 Patent includes the terms that Nest identifies in paragraph 173. Honeywell further admits that it filed for United States Patent No. 4,405,080 ("080 Patent") in 1982. Honeywell denies that the '080 Patent has the "same features" as the '790 Patent and that the '080 Patent invalidates the '790 Patent. Honeywell admits that the '080 Patent was not cited to the USPTO during prosecution of the '790 Patent but denies that disclosure was necessary or appropriate. Honeywell further denies that Nest Labs' characterization of the scope of the '790 Patent and its characterization of whether Nest Labs infringes certain claims of the '790 Patent are accurate.

43. Honeywell denies that the cited United States Patent No. 5,065,813 ("813 Patent") invalidates the '504 Patent. Honeywell further denies that Nest Labs' characterization of the disclosure of the '813 Patent is accurate and denies that disclosure of the '813 Patent to the USPTO during the prosecution of the '504 Patent was necessary or appropriate. The remaining statement contained in paragraph 174 is not averment of fact to which a response is necessary, but rather is a self-serving characterization. To the extent that an answer is deemed necessary, Honeywell denies it.

44. With respect to the allegations set forth in paragraph 175 of Nest Labs' Counterclaims, Honeywell denies that the invention disclosed in the '948 Patent was "old" when Honeywell filed for the patent in 2004. Honeywell further denies that either United States Patent No. 6,286,764 ("764 Patent") or United States Patent No. 5,767,488

("'488 Patent") invalidate the '948 Patent. Honeywell admits that neither the '764 Patent nor the '488 Patent were cited in the prosecution history of the '948 Patent, but denies that disclosure of either reference to the USPTO during the prosecution of the '948 Patent was necessary or appropriate. Honeywell denies that Nest Labs' characterizations of the disclosures of either the '764 Patent or the '488 Patent are accurate.

45. With respect to the allegations set forth in paragraph 176 of Nest Labs' Counterclaims, Honeywell denies that the '789 patent-in-suit is "matched" by the cited United States Patent No. 5,224,649 ("'649 Patent"). Honeywell further denies that Nest Labs' characterizations of the disclosures of the '789 Patent or the '649 Patent are accurate. Honeywell admits that the '649 Patent was not disclosed during the prosecution of the '789 Patent, but denies that disclosure was necessary or appropriate. Honeywell denies that the '649 Patent invalidates the '789 Patent.

46. As discussed above, Honeywell denies that any of the patents cited by Nest Labs invalidate any of the seven asserted patents. The remaining statements contained in paragraph 177 are not averments of fact to which a response is necessary, but rather are self-serving characterizations and appear intended to divert attention away from the core issues. To the extent that an answer is deemed necessary, Honeywell denies them.

47. To the extent that an allegation is not specifically admitted, Honeywell denies it.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement and Invalidity of the '504 Patent)

48. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 47 above.

49. Honeywell admits the allegations as set forth in paragraph 179.
50. Honeywell denies the allegations of paragraph 180 of the Counterclaims.
51. Honeywell denies the allegations of paragraph 181 of the Counterclaims.
52. Honeywell denies the allegations of paragraph 182 of the Counterclaims.

SECOND COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '948 Patent)

53. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 52 above.

54. Honeywell admits the allegations as set forth in paragraph 184.
55. Honeywell denies the allegations of paragraph 185 to the Counterclaims.
56. Honeywell denies the allegations of paragraph 186 to the Counterclaims.
57. Honeywell denies the allegations of paragraph 187 to the Counterclaims.

THIRD COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '958 Patent)

58. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 57 above.

59. Honeywell admits the allegations as set forth in paragraph 189.
60. Honeywell denies the allegations of paragraph 190 to the Counterclaims.
61. Honeywell denies the allegations of paragraph 191 to the Counterclaims.
62. Honeywell denies the allegations of paragraph 192 to the Counterclaims.

FOURTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '899 Patent)

63. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 62 above.

64. Honeywell admits the allegations as set forth in paragraph 194.
65. Honeywell denies the allegations of paragraph 195 to the Counterclaims.
66. Honeywell denies the allegations of paragraph 196 to the Counterclaims.
67. Honeywell denies the allegations of paragraph 197 to the Counterclaims.

FIFTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '789 Patent)

68. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 67 above.

69. Honeywell admits the allegations as set forth in paragraph 199.
70. Honeywell denies the allegations of paragraph 200 to the Counterclaims.
71. Honeywell denies the allegations of paragraph 201 to the Counterclaims.
72. Honeywell denies the allegations of paragraph 202 to the Counterclaims.

SIXTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '790 Patent)

73. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 72 above.

74. Honeywell admits the allegations as set forth in paragraph 204.
75. Honeywell denies the allegations of paragraph 205 to the Counterclaims.
76. Honeywell denies the allegations of paragraph 206 to the Counterclaims.
77. Honeywell denies the allegations of paragraph 207 to the Counterclaims.

SEVENTH COUNTERCLAIM

(Declaratory Judgment of Non-Infringement and Invalidity of the '988 Patent)

78. Honeywell reincorporates and realleges its responses as set forth in paragraphs 1 - 77 above.

79. Honeywell admits the allegations as set forth in paragraph 209.
80. Honeywell denies the allegations of paragraph 210 to the Counterclaims.
81. Honeywell denies the allegations of paragraph 211 to the Counterclaims.
82. Honeywell denies the allegations of paragraph 212 to the Counterclaims.

PRAYER FOR RELIEF

In response to the Prayer for Relief on pages 55-56 on Nest Labs' Counterclaims, Honeywell denies that Nest Labs is entitled to any relief, and in particular, to any relief requested in paragraphs A-E, and further requests that the Court enter such preliminary and final orders and judgment that are necessary to provide Honeywell with the following requested relief:

1. Judgment in favor of Honeywell on Nest Labs' Counterclaims against Honeywell;
2. Judgment that the claims of U.S. Patent Nos. 7,634,504, 7,142,948, 6,975,958, 7,584,899, 7,159,789, 7,159,790, and 7,476,988 are valid and enforceable;
3. Judgment in favor of Honeywell that Nest Labs infringes one or more claims of U.S. Patent Nos. 7,634,504, 7,142,948, 6,975,958, 7,584,899, 7,159,789, 7,159,790, and 7,476,988;
4. An order declaring this case to be exceptional and awarding Honeywell its reasonable attorneys' fees, costs, and expenses pursuant to 35 U.S.C. § 285 or other applicable statutes; and
5. Award Honeywell such other and further relief as the Court may deem just and proper.

Dated: May 7, 2012

s/ Ken Liebman

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