

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC., :
Plaintiff-Counterclaim Defendant : CIVIL ACTION NO. 3:07-CV-01600-ARC
v. :
LEACHCO, INC., : Judge A. Richard Caputo
Defendant-Counterclaim Plaintiff/ : Filed Electronically
Third Party Plaintiff :
and :
JAMIE S. LEACH, :
Counterclaim Plaintiff/ :
Third Party Plaintiff :
v. :
JOHN M. KIEFER, JR., :
Third Party Defendant :

BABYAGE'S RESPONSE TO
LEACHCO'S ADDITIONAL MATERIAL FACTS

NOW COMES, the Plaintiff-Counterclaim Defendant, BabyAge.com, Inc. ("BabyAge"), by and through its attorney, Andrew J. Katsock, III, Esquire, and hereby responds to the Additional Material Facts asserted by the Defendant-Counterclaim Plaintiff, Leachco, Inc. ("Leachco"), as follows:

16. Denied. See Amended Complaint, ¶ 11-13.
17. Denied. See Dolly, Inc. v. Spalding & Evenflo Cos., 16 F.3d 394, 400 (Fed. Cir. 1994).

18. Admitted to the extent that BabyAge's sale of the Cozy Comfort pillow has not infringed U.S. Patent 6,760,934. See Answer to Counterclaim, ¶ 9-12.

Date: November 3, 2008

/s/ Andrew J. Katsock, III, Esquire
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