

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LODSYS, LLC,

Plaintiff,

v.

COMBAY, INC., *et al.*,

Defendants.

CIVIL ACTION NO. 2:11-cv-00272-DF

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**ANSWER OF DEFENDANT ICONFACTORY, INC. TO PLAINTIFF'S  
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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Defendant Iconfactory, Inc. ("Iconfactory") responds to the Amended Complaint For Patent Infringement filed by Plaintiff Lodsys, LLC ("Lodsys" or "Plaintiff"), with the following:

**GENERAL DENIAL**

Unless specifically admitted below, Iconfactory denies each and every allegation in the Amended Complaint.

**RESPONSE TO SPECIFIC ALLEGATIONS**

Iconfactory answers the numbered paragraphs of the Complaint with the following correspondingly-numbered responses:

**THE PARTIES**

1. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and therefore denies them.

2. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2, and therefore denies them.

3. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3, and therefore denies them.

4. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4, and therefore denies them.

5. Iconfactory admits the allegations of paragraph 5.

6. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6, and therefore denies them.

7. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7, and therefore denies them.

8. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8, and therefore denies them.

9. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and therefore denies them.

10. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10, and therefore denies them.

11. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11, and therefore denies them.

12. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and therefore denies them.

### **JURISDICTION AND VENUE**

13. Iconfactory admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, but denies that those claims have any merit. Iconfactory admits

that, pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b), venue may be found in this federal district, but otherwise denies the allegations of paragraph 13, and specifically denies that it has committed any act of infringement in this judicial district.

14. Iconfactory admits that this Court has specific and/or personal jurisdiction over it, but otherwise denies the allegations of paragraph 14, and specifically denies that it has committed any act of infringement in this judicial district.

**INFRINGEMENT OF U.S. PATENT NO. 7,620,565 B2**

15. Iconfactory admits that the Complaint purports to attach a copy of U.S. Patent No. 7,620,565 (the “’565 patent”) as Exhibit A. Iconfactory further admits that such copy of the ’565 patent, on its face, states that it issued on November 17, 2009 and it is entitled “Costumer-Based Product Design Module.” Iconfactory is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 15 of the Amended Complaint and, on that basis, denies each and every allegation in that paragraph.

16. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16, and therefore denies them.

17. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17, and therefore denies them.

18. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18, and therefore denies them.

19. Iconfactory denies each and every allegation of paragraph 19. Iconfactory denies any express or implied allegation within paragraph 19 that is has infringed, or is now infringing, directly, or indirectly, any patent, and denies that Plaintiff is entitled to damages, an injunction, and/or any other relief.

20. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20, and therefore denies them.

21. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21, and therefore denies them.

22. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22, and therefore denies them.

23. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23, and therefore denies them.

24. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24, and therefore denies them.

25. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25, and therefore denies them.

26. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26, and therefore denies them.

27. Iconfactory denies each and every allegation of paragraph 27 of the Amended Complaint as they relate to Iconfactory. Iconfactory denies any express or implied allegation within paragraph 27 that it has infringed, or is now infringing, directly or indirectly, any patent, and denies that Plaintiff is entitled to damages, an injunction, and/or other relief. Iconfactory is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as they relate to the other defendants and, on that basis, denies each and every remaining allegation of paragraph 27 of the Amended Complaint.

**INFRINGEMENT OF U.S. PATENT NO. 7,222,078 B2**

28. Iconfactory admits that the Amended Complaint purports to attach a copy of U.S. Patent No. 7,222,078 (the “’078 patent”) as Exhibit B. Iconfactory further admits that such copy of the ‘078 patent, on its face, states that it issued May 22, 2077 and is entitled “Methods and Systems for Gathering Information from Units of a Commodity Across a Network.” Iconfactory is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 28 of the Amended Complaint and, on that basis, denied each and every allegation in that paragraph.

29. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 29, and therefore denies them.

30. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 30, and therefore denies them.

31. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31, and therefore denies them.

32. Iconfactory denies each and every allegation of paragraph 32. Iconfactory denies any express or implied allegation within paragraph 32 that is has infringed, or is now infringing, directly or indirectly, any patent, and denies that Plaintiff is entitled to damages, an injunction, and/or any other relief.

33. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33, and therefore denies them.

34. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 34, and therefore denies them.

35. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 35, and therefore denies them.

36. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 36, and therefore denies them.

37. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 37, and therefore denies them.

38. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 38, and therefore denies them.

39. Iconfactory lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 39, and therefore denies them.

40. Iconfactory denies each and every allegation of paragraph 40 of the Amended Complaint as they relate to Iconfactory. Iconfactory denies any express or implied allegation within paragraph 40 that it has infringed, or is now infringing, directly or indirectly, any patent and denies that Plaintiff is entitled to any damages, an injunction, and/or any other relief. Iconfactory is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth to the other defendants and, on that basis, denies each and every remaining allegation of paragraph 40 of the Amended Complaint.

#### **JURY DEMAND**

41. In response to Plaintiff's Jury Demand, Iconfactory also demand a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

42. In response to Plaintiff's Prayer for Relief, Iconfactory denies that Plaintiff is entitled to any relief sought in Paragraphs (a) though (f) of the Prayer for Relief, as

they relate to Iconfactory. Iconfactory is without knowledge or information sufficient to form a belief as to Plaintiff's entitlement to any relief sought of other defendants and, on that basis, denies that Plaintiff is entitled to any relief sought of other defendants.

Dated: December 2, 2011

Respectfully submitted,

By: /s/ Eric H. Findlay

Eric H. Findlay

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**Attorney for Defendant Iconfactory, Inc.**

### **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 2<sup>nd</sup> day of December, 2011, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Eric H. Findlay

Eric H. Findlay