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

| | | |
|---|---|---|
| **EOLAS TECHNOLOGIES, INC.,** | § | |
| | § | |
| **Plaintiff,** | § | |
| | § | |
| **v.** | § | **No. 6:09-cv-00446-LED** |
| | § | |
| **ADOBE SYSTEMS, INC., *et al.*,** | § | |
| | § | |
| **Defendants.** | § | |

**CITIGROUP INC.'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant Citigroup Inc. ("Citigroup") answers Plaintiff's First Amended Complaint for Patent Infringement as follows:

## I. PARTIES

1. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 1.

2. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 2.

3. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 3.

4. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 4.

5. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 5.

6. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 6.

7. Citigroup admits that it is a Delaware corporation with its principal place of business at 399 Park Avenue, New York, New York, but otherwise denies Plaintiff's allegations in paragraph 7.

8. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 8.

9. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 9.

10. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 10.

11. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 11.

12. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 12.

13. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 13.

14. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 14.

15. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 15.

16. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 16.

17. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 17.

18. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 18.

19. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 19.

20. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 20.

21. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 21.

22. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 22.

23. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 23.

## II. JURISDICTION AND VENUE

24. In response to paragraph 24, Citigroup incorporates by reference its responses to paragraphs 1-23 as if fully set forth herein.

25. With respect to Plaintiff's allegations in paragraph 25, Citigroup does not contest that this Court has subject matter jurisdiction with respect to this matter. Citigroup otherwise denies the allegations in paragraph 25 and specifically denies committing, or being liable for, any act of infringement.

26. To the extent the allegations in paragraph 26 are directed against defendants other than Citigroup, Citigroup lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent the allegations in paragraph 26 are directed against

Citigroup, Citigroup does not contest personal jurisdiction with respect to this matter but otherwise denies the allegations in paragraph 26.

27. Citigroup denies the allegations in paragraph 27.

## III. [ALLEGED] PATENT INFRINGEMENT

28. In response to paragraph 28, Citigroup incorporates by reference its responses to paragraphs 1-27 as if fully set forth herein.

29. Citigroup admits only that the '906 Patent issued on November 17, 1998 and the '985 Patent issued on October 6, 2009. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's remaining allegations in paragraph 29.

30. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 30.

31. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 31.

32. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 32.

33. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 33.

34. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 34.

35. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 35.

36. Citigroup denies Plaintiff's allegations in paragraph 36.

37. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 37.

38. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 38.

39. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 39.

40. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 40.

41. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 41.

42. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 42.

43. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 43.

44. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 44.

45. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 45.

46. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 46.

47. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 47.

48. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 48.

49. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 49.

50. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 50.

51. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 51.

52. Citigroup lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 52.

53. To the extent the allegations in paragraph 53 are directed against defendants other than Citigroup, Citigroup lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent the allegations in paragraph 53 are directed against Citigroup, Citigroup denies the allegations.

54. To the extent the allegations in paragraph 54 are directed against defendants other than Citigroup, Citigroup lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent the allegations in paragraph 54 are directed against Citigroup, Citigroup denies the allegations.

55. To the extent the allegations in paragraph 55 are directed against defendants other than Citigroup, Citigroup lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent the allegations in paragraph 55 are directed against Citigroup, Citigroup denies the allegations.

56. To the extent the allegations in paragraph 56 are directed against defendants other than Citigroup, Citigroup lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent the allegations in paragraph 56 are directed against Citigroup, Citigroup denies the allegations.

## IV. PRAYER FOR RELIEF

Citigroup denies that Plaintiff is entitled to any of the relief requested in paragraphs A-E of its Prayer for Relief, or to any relief whatsoever from Citigroup. Citigroup specifically denies committing, or being liable for, any act of infringement.

## V. JURY DEMAND

No response is required to Plaintiff's jury demand.

## CITIGROUP ADDITIONAL DEFENSES

1. Citigroup has not directly or indirectly infringed and is not directly or indirectly infringing any valid claim(s) of the '906 Patent or the '985 Patent.

2. The claims of the '906 Patent and the '985 Patent are invalid, void and/or unenforceable for failure to comply with the requirements of 35 U.S.C. §§ 102, 103 and/or 112.

3. Plaintiff's claims are barred, in whole or in part, under the doctrine of laches, waiver, and/or estoppel.

4. Plaintiff's claims are barred, in whole or in part, under the doctrine of unclean hands.

5. Plaintiff's Complaint fails to state a claim for which relief can be granted.

6. Plaintiff's claims are barred, in whole or in part, due to Plaintiff's failure to reasonably mitigate its damages, if any.

Date: June 3, 2010

Respectfully submitted,

/s/ Roger B. Cowie
Edwin R. DeYoung
Texas Bar No. 05673000
Roy W. Hardin
Texas Bar No. 08968300
Roger Brian Cowie
Texas Bar No. 00783886
M. Scott Fuller
Texas Bar No. 24036607
Galyn Gafford
Texas Bar No. 24040938
LOCKE LORD BISSELL & LIDDELL LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Telephone: (214) 740-8000
Facsimile: (214) 740-8800
E-mail: edeyoung@lockelord.com

ATTORNEYS FOR DEFENDANT
CITIGROUP, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 3rd day of June, 2010.

/s/ M. Scott Fuller