



LG Electronics USA, Inc.;	§
Macy’s West Stores, Inc.;	§
Macys.com, Inc.;	§
Mattel, Inc.;	§
Mitsubishi Motor Sales of America, Inc.;	§
Mitsubishi Motors North America, Inc.;	§
Motorola, Inc.;	§
Motorola Trademark Holdings, LLC;	§
Nautica Apparel, Inc.;	§
Nautica Retail USA, Inc.;	§
Navistar, Inc.;	§
New Balance Athletic Shoe, Inc.;	§
Nissan North America, Inc.;	§
PRL USA Holdings, Inc.;	§
The Procter & Gamble Company;	§
Ralph Lauren Media LLC;	§
Russell Brands, LLC;	§
Subaru of America, Inc.;	§
Sunglass Hut Trading, LLC;	§
Victoria’s Secret;	§
Wolverine World Wide, Inc.; and	§
Women’s Apparel Group, LLC d/b/a Boston	§
Apparel Group, LLC	§
	§
Defendants.	§

**NISSAN NORTH AMERICA, INC.’S ANSWER AND COUNTERCLAIM TO  
PLAINTIFF’S ORIGINAL COMPLAINT**

Nissan North America, Inc. (hereinafter referred to as “Nissan”), Defendant and Counterclaimant, files this its answer to Plaintiff’s Original Complaint and Counterclaim against Plaintiff and Counterdefendant, Parallel Networks, LLC. Nissan denies the allegations and characterizations in Parallel Networks’ Complaint unless expressly admitted in the following paragraphs.

**PARTIES**

1. Paragraph 1 does not require a response from Nissan. To the extent Paragraph 1 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 1 and therefore denies the same.

2. Paragraph 2 does not require a response from Nissan. To the extent Paragraph 2 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 2 and therefore denies the same.

3. Paragraph 3 does not require a response from Nissan. To the extent Paragraph 3 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 3 and therefore denies the same.

4. Paragraph 4 does not require a response from Nissan. To the extent Paragraph 4 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 4 and therefore denies the same.

5. Paragraph 5 does not require a response from Nissan. To the extent Paragraph 5 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 5 and therefore denies the same.

6. Paragraph 6 does not require a response from Nissan. To the extent Paragraph 6 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 6 and therefore denies the same.

7. Paragraph 7 does not require a response from Nissan. To the extent Paragraph 7 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 7 and therefore denies the same.

8. Paragraph 8 does not require a response from Nissan. To the extent Paragraph 8 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 8 and therefore denies the same.

9. Paragraph 9 does not require a response from Nissan. To the extent Paragraph 9 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 9 and therefore denies the same.

10. Paragraph 10 does not require a response from Nissan. To the extent Paragraph 10 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 10 and therefore denies the same.

11. Paragraph 11 does not require a response from Nissan. To the extent Paragraph 11 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 11 and therefore denies the same.

12. Paragraph 12 does not require a response from Nissan. To the extent Paragraph 12 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 12 and therefore denies the same.

13. Paragraph 13 does not require a response from Nissan. To the extent Paragraph 13 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 13 and therefore denies the same.

14. Paragraph 14 does not require a response from Nissan. To the extent Paragraph 14 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 14 and therefore denies the same.

15. Paragraph 15 does not require a response from Nissan. To the extent Paragraph 15 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 15 and therefore denies the same.

16. Paragraph 16 does not require a response from Nissan. To the extent Paragraph 16 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 16 and therefore denies the same.

17. Paragraph 17 does not require a response from Nissan. To the extent Paragraph 17 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 17 and therefore denies the same.

18. Paragraph 18 does not require a response from Nissan. To the extent Paragraph 18 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 18 and therefore denies the same.

19. Paragraph 19 does not require a response from Nissan. To the extent Paragraph 19 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 19 and therefore denies the same.

20. Paragraph 20 does not require a response from Nissan. To the extent Paragraph 20 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 20 and therefore denies the same.

21. Paragraph 21 does not require a response from Nissan. To the extent Paragraph 21 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 21 and therefore denies the same.

22. Paragraph 22 does not require a response from Nissan. To the extent Paragraph 22 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 22 and therefore denies the same.

23. Paragraph 23 does not require a response from Nissan. To the extent Paragraph 23 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 23 and therefore denies the same.

24. Paragraph 24 does not require a response from Nissan. To the extent Paragraph 24 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 24 and therefore denies the same.

25. Paragraph 25 does not require a response from Nissan. To the extent Paragraph 25 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 25 and therefore denies the same.

26. Paragraph 26 does not require a response from Nissan. To the extent Paragraph 26 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 26 and therefore denies the same.

27. Paragraph 27 does not require a response from Nissan. To the extent Paragraph 27 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 27 and therefore denies the same.

28. Paragraph 28 does not require a response from Nissan. To the extent Paragraph 28 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 28 and therefore denies the same.

29. Paragraph 29 does not require a response from Nissan. To the extent Paragraph 29 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 29 and therefore denies the same.

30. Paragraph 30 does not require a response from Nissan. To the extent Paragraph 30 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 30 and therefore denies the same.

31. Paragraph 31 does not require a response from Nissan. To the extent Paragraph 31 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 31 and therefore denies the same.

32. Paragraph 32 does not require a response from Nissan. To the extent Paragraph 32 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 32 and therefore denies the same.

33. Paragraph 33 does not require a response from Nissan. To the extent Paragraph 33 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 33 and therefore denies the same.

34. Paragraph 34 does not require a response from Nissan. To the extent Paragraph 34 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 34 and therefore denies the same.

35. Paragraph 35 does not require a response from Nissan. To the extent Paragraph 35 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 35 and therefore denies the same.

36. Paragraph 36 does not require a response from Nissan. To the extent Paragraph 36 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 36 and therefore denies the same.

37. Paragraph 37 does not require a response from Nissan. To the extent Paragraph 37 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 37 and therefore denies the same.

38. Paragraph 38 does not require a response from Nissan. To the extent Paragraph 38 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 38 and therefore denies the same.

39. Paragraph 39 does not require a response from Nissan. To the extent Paragraph 39 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 39 and therefore denies the same.

40. Paragraph 40 does not require a response from Nissan. To the extent Paragraph 40 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 40 and therefore denies the same.

41. Paragraph 41 does not require a response from Nissan. To the extent Paragraph 41 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 41 and therefore denies the same.

42. Paragraph 42 does not require a response from Nissan. To the extent Paragraph 42 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 42 and therefore denies the same.

43. Paragraph 43 does not require a response from Nissan. To the extent Paragraph 43 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 43 and therefore denies the same.

44. Paragraph 44 does not require a response from Nissan. To the extent Paragraph 44 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 44 and therefore denies the same.

45. Paragraph 45 does not require a response from Nissan. To the extent Paragraph 45 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 45 and therefore denies the same.

46. Paragraph 46 does not require a response from Nissan. To the extent Paragraph 46 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 46 and therefore denies the same.

47. Paragraph 47 does not require a response from Nissan. To the extent Paragraph 47 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 47 and therefore denies the same.

48. Paragraph 48 does not require a response from Nissan. To the extent Paragraph 48 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 48 and therefore denies the same.

49. Paragraph 49 does not require a response from Nissan. To the extent Paragraph 49 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 49 and therefore denies the same.



50. Paragraph 50 does not require a response from Nissan. To the extent Paragraph 50 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 50 and therefore denies the same.

51. Paragraph 51 does not require a response from Nissan. To the extent Paragraph 51 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 51 and therefore denies the same.

52. Nissan admits the allegations in Paragraph 52.

53. Paragraph 53 does not require a response from Nissan. To the extent Paragraph 53 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 53 and therefore denies the same.

54. Paragraph 54 does not require a response from Nissan. To the extent Paragraph 54 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 54 and therefore denies the same.

55. Paragraph 55 does not require a response from Nissan. To the extent Paragraph 55 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 55 and therefore denies the same.

56. Paragraph 56 does not require a response from Nissan. To the extent Paragraph 56 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 56 and therefore denies the same.

57. Paragraph 57 does not require a response from Nissan. To the extent Paragraph 57 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 57 and therefore denies the same.

58. Paragraph 58 does not require a response from Nissan. To the extent Paragraph 58 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 58 and therefore denies the same.

59. Paragraph 59 does not require a response from Nissan. To the extent Paragraph 59 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 59 and therefore denies the same.

60. Paragraph 60 does not require a response from Nissan. To the extent Paragraph 60 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 60 and therefore denies the same.

61. Paragraph 61 does not require a response from Nissan. To the extent Paragraph 61 is deemed to require a response, Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 61 and therefore denies the same.

### **JURISDICTION AND VENUE**

62. Paragraph 62 does not require a response from Nissan. To the extent Paragraph 62 is deemed to require a response, Nissan admits only that based upon Plaintiff's Original Complaint, this is an action alleging infringement of a United States patent, but denies that it has committed any acts of infringement. To the extent Paragraph 62 contains other allegations, Nissan denies the same.

63. Nissan admits that, to the extent Plaintiff has alleged a patent infringement cause of action, venue could be proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). To the extent Paragraph 63 includes additional allegations, Nissan denies the same.

## **PATENT INFRINGEMENT COUNT**

64. Nissan admits that United States Patent No. 6,446,111 (“the ‘111 patent”) is entitled “Method and Apparatus for Client-Server Communication Using a Limited Capability Client Over a Low-Speed Communications Link” and that it issued on September 3, 2002. To the extent Paragraph 64 contains additional allegations, Nissan denies the same.

65. Nissan lacks knowledge and/or information sufficient to form a belief as to the truth and accuracy of the allegations in Paragraph 65 and therefore denies the same.

66. Nissan denies the allegations in Paragraph 66.

67. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 67 and therefore denies the same.

68. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 68 and therefore denies the same.

69. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 69 and therefore denies the same.

70. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 70 and therefore denies the same.

71. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 71 and therefore denies the same.

72. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 72 and therefore denies the same.

73. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 73 and therefore denies the same.

74. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 74 and therefore denies the same.

75. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 75 and therefore denies the same.

76. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 76 and therefore denies the same.

77. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 77 and therefore denies the same.

78. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 78 and therefore denies the same.

79. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 79 and therefore denies the same.

80. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 80 and therefore denies the same.

81. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 81 and therefore denies the same.

82. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 82 and therefore denies the same.

83. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 83 and therefore denies the same.

84. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 84 and therefore denies the same.

85. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 85 and therefore denies the same.

86. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 86 and therefore denies the same.

87. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 87 and therefore denies the same.

88. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 88 and therefore denies the same.

89. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 89 and therefore denies the same.

90. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 90 and therefore denies the same.

91. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 91 and therefore denies the same.

92. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 92 and therefore denies the same.

93. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 93 and therefore denies the same.

94. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 94 and therefore denies the same.

95. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 95 and therefore denies the same.

96. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 96 and therefore denies the same.

97. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 97 and therefore denies the same.

98. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 98 and therefore denies the same.

99. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 99 and therefore denies the same.

100. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 100 and therefore denies the same.

101. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 101 and therefore denies the same.

102. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 102 and therefore denies the same.

103. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 103 and therefore denies the same.

104. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 104 and therefore denies the same.

105. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 105 and therefore denies the same.

106. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 106 and therefore denies the same.

107. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 107 and therefore denies the same.

108. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 108 and therefore denies the same.

109. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 109 and therefore denies the same.

110. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 110 and therefore denies the same.

111. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 111 and therefore denies the same.

112. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 112 and therefore denies the same.

113. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 113 and therefore denies the same.

114. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 114 and therefore denies the same.

115. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 115 and therefore denies the same.

116. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 116 and therefore denies the same.

117. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 117 and therefore denies the same.

118. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 118 and therefore denies the same.

119. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 119 and therefore denies the same.

120. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 120 and therefore denies the same.

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129. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 129 and therefore denies the same.

130. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 130 and therefore denies the same.

131. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 131 and therefore denies the same.

132. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 132 and therefore denies the same.

133. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 133 and therefore denies the same.

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135. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 135 and therefore denies the same.

136. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 136 and therefore denies the same.

137. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 137 and therefore denies the same.

138. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 138 and therefore denies the same.

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142. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 142 and therefore denies the same.

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166. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 166 and therefore denies the same.

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171. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 171 and therefore denies the same.

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176. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 176 and therefore denies the same.

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231. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 231 and therefore denies the same.

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255. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 255 and therefore denies the same.

256. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 256 and therefore denies the same.

257. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 257 and therefore denies the same.

258. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 258 and therefore denies the same.

259. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 259 and therefore denies the same.

260. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 260 and therefore denies the same.

261. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 261 and therefore denies the same.

262. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 262 and therefore denies the same.

263. Nissan denies the allegations of Paragraph 263.

264. Nissan denies the allegations of Paragraph 264.

265. Nissan denies the allegations of Paragraph 265.

266. Nissan denies the allegations of Paragraph 266.

267. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 267 and therefore denies the same.

268. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 268 and therefore denies the same.

269. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 269 and therefore denies the same.

270. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 270 and therefore denies the same.

271. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 271 and therefore denies the same.

272. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 272 and therefore denies the same.

273. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 273 and therefore denies the same.

274. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 274 and therefore denies the same.

275. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 275 and therefore denies the same.

276. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 276 and therefore denies the same.

277. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 277 and therefore denies the same.

278. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 278 and therefore denies the same.

279. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 279 and therefore denies the same.

280. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 280 and therefore denies the same.

281. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 281 and therefore denies the same.

282. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 282 and therefore denies the same.

283. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 283 and therefore denies the same.

284. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 284 and therefore denies the same.

285. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 285 and therefore denies the same.

286. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 286 and therefore denies the same.

287. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 287 and therefore denies the same.

288. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 288 and therefore denies the same.

289. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 289 and therefore denies the same.

290. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 290 and therefore denies the same.

291. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 291 and therefore denies the same.

292. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 292 and therefore denies the same.

293. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 293 and therefore denies the same.

294. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 294 and therefore denies the same.

295. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 295 and therefore denies the same.

296. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 296 and therefore denies the same.

297. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 297 and therefore denies the same.

298. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 298 and therefore denies the same.

299. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 299 and therefore denies the same.

300. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 300 and therefore denies the same.

301. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 301 and therefore denies the same.

302. Nissan lacks knowledge sufficient to admit or deny the allegations of Paragraph 302 and therefore denies the same.

303. Nissan denies the allegations of Paragraph 303 as directed to Nissan. To the extent Paragraph 303 is deemed to require a response concerning the other Defendants, Nissan lacks knowledge sufficient to confirm or deny the allegations and denies the same.

304. Nissan denies the allegations of Paragraph 304 as directed to Nissan. To the extent Paragraph 304 is deemed to require a response concerning the other Defendants, Nissan lacks knowledge sufficient to confirm or deny the allegations and denies the same.

#### **WILLFUL INFRINGEMENT COUNT**

305. Nissan denies the allegations of Paragraph 305 as directed to Nissan. To the extent Paragraph 305 is deemed to require a response concerning the other Defendants, Nissan lacks knowledge sufficient to confirm or deny the allegations and denies the same.

#### **RESPONSE TO PLAINTIFF'S PRAYER FOR RELIEF**

To the extent Plaintiff's prayer for relief contains allegations and/or averments, Nissan denies the same.

#### **AFFIRMATIVE DEFENSES**

Nissan's Affirmative Defenses are listed below. Nissan reserves the right to amend its Answer to add additional Affirmative Defenses, including but not limited to, inequitable conduct or others consistent with the facts discovered in this case.

#### **FIRST DEFENSE (NON-INFRINGEMENT)**

306. Nissan has not infringed, and is not infringing (either directly, contributorily, by inducement, and/or through the doctrine of equivalents), any claim of the '111 patent.

#### **SECOND DEFENSE (PATENT INVALIDITY)**

307. Upon information and belief, the '111 patent is invalid because it fails to satisfy the conditions of patentability set forth in the U.S. patent laws, including but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

#### **THIRD DEFENSE (ESTOPPEL)**

308. Plaintiff's claims are barred by the equitable doctrine of estoppel, including but not limited to, the doctrine of prosecution history estoppel. Upon information and belief, and as

shown by its file history, amendments, cancellation and/or abandonment of the claims, and by admissions/statements made therein, Plaintiff is estopped from claiming construction of the '111 patent that would cause any claim to cover any method or system made, used, or offered for sale, sold or imported by Nissan.

**FOURTH DEFENSE (FAILURE TO STATE A CLAIM)**

309. Upon information and belief, Plaintiff's Original Complaint fails to state any facts upon which a claim for relief can be granted against Nissan.

**FIFTH DEFENSE (LACHES)**

310. Upon information and belief, Plaintiff's claims are barred in whole or part by the equitable doctrine of laches.

**SIXTH DEFENSE (DAMAGES)**

311. Upon information and belief and to the extent Plaintiff may be entitled to damages, any claim for damages is limited by 35 U.S.C. §§ 286 and/or 287.

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

**SEVENTH DEFENSE (NO INJUNCTIVE RELIEF)**

313. Plaintiff's claims for injunctive relief are barred because adequate remedies at law exist and it otherwise fails to meet the requirements for such relief.

**EIGHTH DEFENSE (UNCLEAN HANDS)**

314. Plaintiff's claims are barred in whole or part by the doctrine of unclean hands.

**NINTH DEFENSE (VENUE)**

315. Venue in this judicial district is improper or inconvenient.



### **TENTH DEFENSE (INDIRECT INFRINGEMENT)**

316. To the extent Plaintiff asserts Nissan indirectly infringes, either by contributory infringement or inducement of infringement, Nissan is not liable to Plaintiff for the acts alleged to have been performed before Nissan knew that its actions would cause indirect infringement.

Nissan reserves its right to offer additional defenses that cannot now be articulated due to the need for discovery regarding Plaintiff's claims.

### **COUNTERCLAIM**

For its Counterclaims against Plaintiff, Nissan alleges the following:

#### **The Parties**

1. Counterclaim Plaintiff, Nissan North America, Inc. ("Nissan") is a California corporation and has a principal place of business in Franklin, Tennessee.

2. Based upon the allegations contained in the Complaint, Parallel Networks is a Texas Limited Liability Company with its place of business at 100 E. Ferguson Street, Suite 602, Tyler, Texas.

#### **Jurisdiction and Venue**

3. This Court has subject matter jurisdiction over this Counterclaim pursuant to 28 U.S.C. §§ 1331, 1338, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.

4. To the extent Parallel Networks filed this action for patent infringement in this judicial district, as set forth in Plaintiff's Original Complaint, venue is appropriate for purposes of this Counterclaim.

### **Controversy**

5. There is an actual justiciable controversy between Nissan and Parallel Networks concerning the alleged infringement, validity, scope, and enforceability of United States Patent No. 6,446,111 (“the ‘111 patent”). Jurisdiction is also appropriate in that this Counterclaim arises out of the same transaction or occurrence that is the subject matter of Plaintiff’s Original Complaint.

6. Parallel Networks claims to be the owner of the full and complete title of the ‘111 patent.

7. Parallel Networks claims that the ‘111 patent is valid and enforceable and that the activities of Nissan infringe the ‘111 patent.

8. Based upon the foregoing conduct of Parallel Networks, this case is an exceptional case under 35 U.S.C. § 285 and Nissan is entitled to recover its reasonable attorney’s fees.

### **Count I (Declaratory Judgment of Non-Infringement of the ‘111 Patent)**

9. Nissan incorporates the allegations contained in Paragraphs 1-8 as though fully set forth in this paragraph.

10. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, Nissan requests a declaration by the Court that it does not infringe, and has not infringed, any claim of the ‘111 patent, either directly, through the doctrine of equivalents, contributorily, or by inducement.

### **Count II (Declaratory Judgment of Invalidity of the ‘111 Patent)**

11. Nissan incorporates the allegations contained in Paragraphs 1-10 as though fully set forth in this paragraph.

12. The claims of the '111 patent are invalid and unenforceable because it fails to satisfy the conditions of patentability set forth in the U.S. patent laws, including but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

**Nissan's Prayer for Relief**

Nissan respectfully requests the Court enter judgment in its favor and grant the following:

- Dismissal of Plaintiff's claims in their entirety and with prejudice;
- A declaration that Nissan does not infringe the '111 patent;
- A declaration that the '111 patent is invalid and unenforceable;
- Judgment against Parallel Networks and in favor of Nissan;
- An order from this Court finding this case is an exceptional case and awarding Nissan its reasonable attorney's fees under 35 U.S.C. § 285 and all other applicable statutes and rules in common law that would be appropriate; and
  
- An order that Plaintiff take nothing by way of its Original Complaint and awarding such additional relief as the Court may deem appropriate and just under the circumstances.

**Jury Demand**

Nissan hereby demands a jury trial on all issues so triable.

Dated this 23<sup>rd</sup> day of November 2010.

Respectfully submitted,

By: /s/ Jeffrey S. Patterson

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**ATTORNEYS FOR DEFENDANT AND  
COUNTERCLAIM PLAINTIFF NISSAN  
NORTH AMERICA, 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 on the 23<sup>rd</sup> day of November 2010.

/s/ Jeffrey S. Patterson

**JEFFREY S. PATTERSON**