

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

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

ADIDAS AMERICA, INC., et al.

Defendants.

Civil Action No. 6:10-CV-00491

JURY TRIAL DEMANDED

**DEFENDANT KOHL'S DEPARTMENT STORES, INC.'S ANSWER, AFFIRMATIVE
DEFENSES, AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT**

Defendant Kohl's Department Stores, Inc. (öKohl's ö) answers the Complaint of Parallel Networks, LLC (öParallel Networksö or öPlaintiffö) as follows:

I. THE PARTIES

1. Kohl's is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.
2. The allegations of paragraph 2 are not directed to Kohl's, and therefore no answer is required. Kohl's is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.
3. The allegations of paragraph 3 are not directed to Kohl's, and therefore no answer is required. Kohl's is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.
4. The allegations of paragraph 4 are not directed to Kohl's, and therefore no answer is required. Kohl's is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

5. The allegations of paragraph 5 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

6. The allegations of paragraph 6 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

7. The allegations of paragraph 7 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

8. The allegations of paragraph 8 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

9. The allegations of paragraph 9 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

10. The allegations of paragraph 10 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

11. The allegations of paragraph 11 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

12. The allegations of paragraph 12 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

13. The allegations of paragraph 13 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

14. The allegations of paragraph 14 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

15. The allegations of paragraph 15 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

16. The allegations of paragraph 16 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

17. The allegations of paragraph 17 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

18. The allegations of paragraph 18 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

19. The allegations of paragraph 19 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

20. The allegations of paragraph 20 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

21. The allegations of paragraph 21 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

22. The allegations of paragraph 22 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

23. The allegations of paragraph 23 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

24. The allegations of paragraph 24 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

25. The allegations of paragraph 25 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

26. The allegations of paragraph 26 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

27. The allegations of paragraph 27 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

28. The allegations of paragraph 28 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

29. The allegations of paragraph 29 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

30. The allegations of paragraph 30 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

31. The allegations of paragraph 31 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

32. The allegations of paragraph 32 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

33. The allegations of paragraph 33 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

34. The allegations of paragraph 34 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

35. The allegations of paragraph 35 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

36. The allegations of paragraph 36 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

37. The allegations of paragraph 37 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

38. The allegations of paragraph 38 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

39. Kohlø admits the allegations of paragraph 39.

40. The allegations of paragraph 40 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

41. The allegations of paragraph 41 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

42. The allegations of paragraph 42 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

43. The allegations of paragraph 43 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

44. The allegations of paragraph 44 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

45. The allegations of paragraph 45 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

46. The allegations of paragraph 46 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

47. The allegations of paragraph 47 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

48. The allegations of paragraph 48 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

49. The allegations of paragraph 49 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

50. The allegations of paragraph 50 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

51. The allegations of paragraph 51 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

52. The allegations of paragraph 52 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

53. The allegations of paragraph 53 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

54. The allegations of paragraph 54 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

55. The allegations of paragraph 55 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

56. The allegations of paragraph 56 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

57. The allegations of paragraph 57 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

58. The allegations of paragraph 58 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

59. The allegations of paragraph 59 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

60. The allegations of paragraph 60 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

61. The allegations of paragraph 61 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

JURISDICTION AND VENUE

62. Kohl s admits that this action purports to bring an action arising under the patent laws of the United States, Title 35 of the United States Code. Kohl s also admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and that Kohl s is subject to this Court s specific and general personal jurisdiction, but denies that it is committing or has committed any act of infringement alleged in the Complaint. Kohl s admits that it is subject to this Court s general jurisdiction and that it does business in this forum, and derives revenue from goods and services provided to persons or entities in Texas. Kohl s denies the remaining allegations of this paragraph, as they relate to Kohl s. As to the other defendants, Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

63. Kohl s admits that venue is proper under 28 U.S.C. §§ 1339(b), 1391(c) and 1400(b). Kohl s admits that it is subject to personal jurisdiction in this District, but denies that it is committing or has committed any act of infringement alleged in the Complaint. Kohl s denies the remaining allegations of this paragraph, as they relate to Kohl s. As to the other defendants, Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 6,446,111**

64. Kohl s admits that the face of U.S. Patent No. 6,446,111 ( the  111 patent ) indicates that it is entitled  Method and Apparatus for Client-Server Communications Using a Limited Capability Client Over a Low Speed Communications Network  and that it issued on September 3, 2002. Kohl s denies that the  111 patent was duly and legally issued.

65. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

66. Kohl  denies the allegations of paragraph 66.

67. The allegations of paragraph 67 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

68. The allegations of paragraph 68 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

69. The allegations of paragraph 69 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

70. The allegations of paragraph 70 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

71. The allegations of paragraph 71 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

72. The allegations of paragraph 72 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

73. The allegations of paragraph 73 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

74. The allegations of paragraph 74 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

75. The allegations of paragraph 75 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

76. The allegations of paragraph 76 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

77. The allegations of paragraph 77 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

78. The allegations of paragraph 78 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

79. The allegations of paragraph 79 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

80. The allegations of paragraph 80 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

81. The allegations of paragraph 81 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

82. The allegations of paragraph 82 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

83. The allegations of paragraph 83 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

84. The allegations of paragraph 84 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

85. The allegations of paragraph 85 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

86. The allegations of paragraph 86 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

87. The allegations of paragraph 87 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

88. The allegations of paragraph 88 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

89. The allegations of paragraph 89 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

90. The allegations of paragraph 90 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

91. The allegations of paragraph 91 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

92. The allegations of paragraph 92 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

93. The allegations of paragraph 93 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

94. The allegations of paragraph 94 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

95. The allegations of paragraph 95 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

96. The allegations of paragraph 96 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

97. The allegations of paragraph 97 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

98. The allegations of paragraph 98 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

99. The allegations of paragraph 99 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

100. The allegations of paragraph 100 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

101. The allegations of paragraph 101 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

102. The allegations of paragraph 102 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

103. The allegations of paragraph 103 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

104. The allegations of paragraph 104 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

105. The allegations of paragraph 105 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

106. The allegations of paragraph 106 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them

107. The allegations of paragraph 107 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

108. The allegations of paragraph 108 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

109. The allegations of paragraph 109 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

110. The allegations of paragraph 110 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

111. The allegations of paragraph 111 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

112. The allegations of paragraph 112 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

113. The allegations of paragraph 113 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

114. The allegations of paragraph 114 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

115. The allegations of paragraph 115 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

116. The allegations of paragraph 116 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

117. The allegations of paragraph 117 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

118. The allegations of paragraph 118 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

119. The allegations of paragraph 119 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

120. The allegations of paragraph 120 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

121. The allegations of paragraph 121 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

122. The allegations of paragraph 122 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

123. The allegations of paragraph 123 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them

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125. The allegations of paragraph 125 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them

126. The allegations of paragraph 126 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them

127. The allegations of paragraph 127 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

128. The allegations of paragraph 128 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

129. The allegations of paragraph 129 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

130. The allegations of paragraph 130 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

131. The allegations of paragraph 131 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

132. The allegations of paragraph 132 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

133. The allegations of paragraph 133 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

134. The allegations of paragraph 134 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

135. The allegations of paragraph 135 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

136. The allegations of paragraph 136 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

137. The allegations of paragraph 137 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

138. The allegations of paragraph 138 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

139. The allegations of paragraph 139 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

140. The allegations of paragraph 140 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

141. The allegations of paragraph 141 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

142. The allegations of paragraph 142 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

143. The allegations of paragraph 143 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

144. The allegations of paragraph 144 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

145. The allegations of paragraph 145 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

146. The allegations of paragraph 146 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

147. The allegations of paragraph 147 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

148. The allegations of paragraph 148 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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154. The allegations of paragraph 154 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

155. The allegations of paragraph 155 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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157. The allegations of paragraph 157 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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163. The allegations of paragraph 163 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

164. The allegations of paragraph 164 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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168. The allegations of paragraph 168 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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170. The allegations of paragraph 170 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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176. The allegations of paragraph 115 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

177. The allegations of paragraph 177 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

178. The allegations of paragraph 178 are not directed to Kohlø, and therefore no answer is required. Kohlø is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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199. The allegations of paragraph 199 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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211. Kohl s denies the allegations of paragraph 211.

212. Kohl s denies the allegations of paragraph 212.

213. Kohl s denies the allegations of paragraph 213.

214. Kohl s denies the allegations of paragraph 214.

215. The allegations of paragraph 215 are not directed to Kohl s, and therefore no answer is required. Kohl s is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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294. The allegations of paragraph 294 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

295. The allegations of paragraph 295 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

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298. The allegations of paragraph 298 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

299. The allegations of paragraph 299 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

300. The allegations of paragraph 300 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

301. The allegations of paragraph 301 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

302. The allegations of paragraph 302 are not directed to Kohl , and therefore no answer is required. Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

303. Kohl  denies the allegations of paragraph 303, as they relate to Kohl . As to the other defendants, Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

304. Kohl  denies the allegations of paragraph 304, as they relate to Kohl . As to the other defendants, Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

COUNT II
WILLFUL INFRINGEMENT

305. Kohl  denies the allegations of paragraph 305, as they relate to Kohl . As to the other defendants, Kohl  is without knowledge or information sufficient to form a belief as to the truth of these allegations and therefore denies them.

PRAYER FOR RELIEF

These paragraphs set forth the statement of relief requested by Plaintiff to which no response is required. To the extent an answer is required, Kohlø denies that Plaintiff is entitled to any of the requested relief and denies any such allegations.

JURY DEMAND

This paragraph sets forth Plaintiff's request for a jury trial to which no response is required. Kohlø also requests a trial by jury on all issues so triable.

AFFIRMATIVE DEFENSES

Kohlø Affirmative Defenses are below. Kohlø reserves the right to amend its Answer to add additional Affirmative Defenses, including instances of inequitable conduct, consistent with the facts discovered in this case.

FIRST DEFENSE **(No Infringement)**

Kohlø has not infringed, directly, contributorily, by inducement, or otherwise, literally or under the doctrine of equivalents, any valid and enforceable claim of the -111 patent and is not liable for any acts of infringement of any such claim of the -111 patent.

SECOND DEFENSE **(Patent Invalidity)**

The claims of the -111 patent are invalid under one or more sections of Title 35 of the U.S. Code, including, without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112.

THIRD DEFENSE **(Failure to State a Claim)**

Upon information and belief, the Complaint, and each purported claim alleged therein, fail to state facts upon which relief can be granted against Kohlø.

FOURTH DEFENSE
(No Willful Infringement)

Should Kohl s be found to infringe the 411 patent, such infringement was not willful.

FIFTH DEFENSE
(Estoppel)

Upon information and belief, by reason of proceedings in the U.S. Patent and Trademark Office during the prosecution of the applications that resulted in the 411 patent, as shown by the file histories, and by reason of the amendment, cancellation or abandonment of claims, and the admissions and other statements made therein by or on behalf of the patentee(s), Plaintiff is estopped from claiming a construction of the 411 patent that would cause any valid, enforceable claim thereof to cover or include any method or product manufactured, used, sold, or offered for sale by Kohl s.

SIXTH DEFENSE
(Waiver, Laches and Estoppel)

Plaintiff s alleged claims regarding the 411 patent are barred by the doctrines of waiver, laches and/or estoppel.

COUNTERCLAIM

Counterclaim-Plaintiff Kohl s Department Stores, Inc. ( Kohl s ), for its Counterclaims against Counterclaim-Defendant Parallel Networks, LLC ( Parallel Networks ) and upon information and belief, states as follows:

THE PARTIES

1. Kohl s is a Delaware corporation with a place of business at N56 W.17000 Ridgewood Dr., Menomonee Falls, Wisconsin, 53051.

2. According to paragraph 1 of its Complaint, Parallel Networks LLC (Parallel Networks or Plaintiff) is a Texas Limited Liability Company with its place of business at 100 E. Ferguson Street, Suite 602 in Tyler, Texas.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of these Counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1338, 2201, and 2202, and venue for these Counterclaims is proper in this district under at least 28 U.S.C. § 1391.

4. This Court has personal jurisdiction over Parallel Networks because Parallel Networks has submitted itself to the personal jurisdiction of this Court by commencing this action.

COUNT ONE **(Declaratory Judgment of Non-Infringement of the '111 Patent)**

5. An actual case or controversy exists between Kohl and Parallel Networks as to whether United States Patent No. 6,446,111 (the '111 patent) is not infringed by Kohl.

6. A judicial declaration is necessary and appropriate so Kohl may ascertain its rights regarding the '111 patent.

7. Kohl has not infringed, directly, contributorily, by inducement, or otherwise, literally or under the doctrine of equivalents, any valid and enforceable claim of the '111 patent, and is not liable for any acts of infringement of any such claim of the '111 patent.

COUNT TWO **(Declaratory Judgment of Invalidity of the '111 Patent)**

8. Kohl restates and incorporates by reference its allegations in the previous paragraphs in these Counterclaims.

9. An actual case or controversy exists between Kohlø and Parallel Networks as to whether the claims of the ñ11 patent are invalid.

10. A judicial declaration is necessary and appropriate so Kohlø may ascertain its rights as to whether the claims of the ñ11 patent are invalid.

11. The claims of the ñ11 patent are invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more sections of Title 35 of the U.S. Code, including, without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Kohlø prays for judgment as follows:

- a. A judgment dismissing with prejudice Parallel Networks' Second Amended Complaint against Kohlø and ordering that Parallel Networks take nothing by its complaint;
- b. A judgment in favor of Kohlø on all of its Counterclaims;
- c. A declaration that Kohlø has not infringed directly, contributorily, by inducement, or otherwise, literally or under the doctrine of equivalents, any valid and enforceable claim of the ñ11 patent and is not liable for any acts of infringement of any such claim of the ñ11 patent;
- d. A declaration that the claims of the ñ11 patent are invalid;
- e. An award of costs to Kohlø pursuant to 35 U.S.C. § 284;
- f. A finding that this is an exceptional case pursuant to 35 U.S.C. § 285 and an award to Kohlø of its reasonable attorney fees; and

Such other and further relief as this Court deems just and proper.

JURY DEMAND

Kohlø hereby demands a trial by jury on all issues.

Dated: November 24, 2010

Respectfully submitted,

By: /s/ J. Thad Heartfield
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Attorneys for Defendant Kohlø Illinois, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who 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) on this the 24th day of November, 2010. Any other counsel of record will be served by first class mail.

/s/ J. Thad Heartfield
J. Thad Heartfield