



**TRADEMARK HOLDINGS, LLC;** §  
**NAUTICA APPAREL, INC.;** §  
**NAUTICA** §  
**RETAIL USA, INC.;** §  
**NAVISTAR, INC.;** §  
**NEW BALANCE ATHLETIC SHOW, 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** §  
**IN.;** §  
**and WOMEN’S APPAREL GROUP,** §  
**LLC d/b/a BOSTON APPAREL GROUP,** §  
**LLC,** §  
  
**Defendants.** §

**ANSWER AND COUNTERCLAIMS OF DEFENDANTS PRL USA HOLDINGS, INC.,  
 AND RALPH LAUREN MEDIA LLC IN RESPONSE TO PARALLEL NETWORKS,  
 LLC’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Defendants PRL USA Holdings, Inc., and Ralph Lauren Media LLC (collectively, the “Ralph Lauren Entities”), answer Plaintiff Parallel Networks LLC’s (“Parallel Networks”) Original Complaint for Patent Infringement (“Complaint”) as follows:

**PARTIES**

1. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.
2. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2.
3. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3.
4. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.

5. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5.

6. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6.

7. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7.

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12. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12.

13. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13.

14. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14.

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49. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49.

50. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50.

51. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51.

52. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52.

53. The Ralph Lauren Entities admit the allegations in paragraph 53.

54. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54.

55. With respect to the allegations in paragraph 55, the Ralph Lauren Entities deny that Ralph Lauren Media LLC is a corporation but otherwise admit the allegations set forth in paragraph 55.

56. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56.

57. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57.

58. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58.

59. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59.

60. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60.

61. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61.

### **JURISDICTION**

62. With respect to the allegations set forth in paragraph 62, the Ralph Lauren Entities admit that this Court has subject matter jurisdiction over Parallel Networks' claims. The Ralph Lauren Entities admit that this Court has personal jurisdiction over them in this particular action. However, the Ralph Lauren Entities deny that they have committed acts in this jurisdiction that give rise to any cause of action by Parallel Networks and deny the remaining allegations in paragraph 62, as they relate to the Ralph Lauren Entities. To the extent the allegations in paragraph 62 are directed to other entities, the Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of such allegations.

63. With respect to the allegations set forth in paragraph 63, the Ralph Lauren Entities admit that venue is proper in this judicial district, but deny that this district is a convenient or appropriate forum in which to proceed with this dispute. The Ralph Lauren Entities expressly reserve their rights under 28 U.S.C. § 1404. The Ralph Lauren Entities admit that this Court has personal jurisdiction over them in this particular action. However, the Ralph Lauren Entities deny that they have committed acts in this jurisdiction that give rise to any cause of action by Parallel Networks and deny the remaining allegations in paragraph 63, as they relate to the Ralph Lauren Entities. To the extent the allegations in paragraph 63 are directed to other entities, the Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of such allegations.

## COUNT I

64. The Ralph Lauren Entities admit the allegations in paragraph 64.

65. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65.

66. With respect to the allegations set forth in paragraph 66, the Ralph Lauren Entities state that the claims of the '111 patent speak for themselves, and no responsive pleading is required. To the extent that a responsive pleading is required, the Ralph Lauren Entities admit that paragraph 66 seems to reflect an effort to paraphrase the limitations of claim 1 of the '111 patent, but deny that the patent "covers" such "systems and methods," as Parallel Networks has failed to include all of the required limitations recited in claim 1.

67. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67.

68. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 68.

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246. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 246.

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248. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 248.

249. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 249.

250. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 250.

251. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 251.

252. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 252.

253. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 253.

254. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 254.

255. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 255.

256. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 256.

257. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 257.

258. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 258.

259. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 259.

260. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 260.

261. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 261.

262. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 262.

263. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 263.

264. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 264.

265. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 265.

266. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 266.

267. The Ralph Lauren Entities deny the allegations in paragraph 267.

268. The Ralph Lauren Entities deny the allegations in paragraph 268.

269. The Ralph Lauren Entities deny the allegations in paragraph 269.

270. The Ralph Lauren Entities deny the allegations in paragraph 270.

271. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 271.

272. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 272.

273. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 273.

274. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 274.

275. The Ralph Lauren Entities deny the allegations in paragraph 275.

276. The Ralph Lauren Entities deny the allegations in paragraph 276.

277. The Ralph Lauren Entities deny the allegations in paragraph 277.

278. The Ralph Lauren Entities deny the allegations in paragraph 278.

279. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 279.

280. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 280.

281. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 281.

282. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 282.

283. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 283.

284. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 284.

285. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 285.

286. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 286.

287. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 287.

288. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 288.

289. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 289.

290. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 290.

291. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 291.

292. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 292.

293. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 293.

294. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 294.

295. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 295.

296. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 296.

297. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 297.

298. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 298.

299. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 299.

300. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 300.

301. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 301.

302. The Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 302.

303. The Ralph Lauren Entities deny the allegations in paragraph 303, as they relate to the Ralph Lauren Entities. To the extent the allegations in paragraph 303 are directed to other entities, the Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of such allegations.

304. The allegations in paragraph 304 relating to constructive notice are legal conclusions to which no responsive pleading is required; to the extent a response is required, the Ralph Lauren Entities deny the allegations, as they relate to constructive notice of the Ralph Lauren Entities. To the extent the allegations in paragraph 304 concerning constructive notice are directed to other entities, the Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of such allegations. The Ralph Lauren Entities are without knowledge sufficient to form a belief as to the truth of the allegations regarding marking requirements.

## **COUNT II**

305. The Ralph Lauren Entities deny the allegations in paragraph 305, as they relate to the Ralph Lauren Entities. To the extent the allegations in paragraph 305 are directed to other entities, the Ralph Lauren Entities are without knowledge or information sufficient to form a belief as to the truth of such allegations.

### **PRAYER FOR RELIEF**

These paragraphs set forth the statement of relief requested by Parallel Networks to which no response is required. The Ralph Lauren Entities deny that Parallel Networks is entitled to any of the requested relief and deny any allegations.

### **DEMAND FOR JURY TRIAL**

This paragraph sets forth Parallel Networks' request for a jury trial and all issues triable of right before a jury to which no response is required.

### **AFFIRMATIVE DEFENSES**

Subject to the responses above, the Ralph Lauren Entities allege and assert the following defenses in response to the allegations, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. In addition to the affirmative defenses described below, subject to their responses above, the Ralph Lauren Entities specifically reserve all rights to allege additional affirmative defenses that become known through the course of discovery.

306. The claims of the '111 patent are invalid and/or unpatentable for failure to satisfy one or more of the requirements of §§ 101, 102, 103, 112, 132, 251 of Title 35 of the United States Code.

307. Parallel Networks' claims are barred, in whole or in part, by the doctrine of laches.

308. Parallel Networks' request for relief is barred or otherwise limited by 35 U.S.C. § 288.

309. Parallel Networks cannot satisfy the requirements applicable to its request for injunctive relief and has an adequate remedy at law.

310. Parallel Networks' alleged damages are limited because it has not satisfied the requirements for obtaining damages under 35 U.S.C. § 287, and the limitations period further bars past damages claims.

311. The Ralph Lauren Entities reserve all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses, at law or in equity, which may now exist or in the future may be available based on discovery and further factual investigation in this case.

### **COUNTERCLAIMS**

Ralph Lauren Media LLC ("Ralph Lauren"), for its Counterclaims against Parallel Networks and upon information and belief, states and alleges as follows:

### **THE PARTIES**

1. Defendant/Counterclaim Plaintiff Ralph Lauren Media LLC is a Delaware limited liability company with its principal place of business in New York, New York.

2. On information and belief, plaintiff Parallel Networks LLC ("Parallel Networks"), is a Texas limited liability company with a place of business located in Tyler, Texas.

### **JURISDICTION AND VENUE**

3. Subject to its affirmative defenses and denials, Ralph Lauren alleges that this Court has jurisdiction over the subject matter of these Counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1367, 1338(a), 2201, and 2202, and venue for these Counterclaims is proper in this district.

4. This Court has personal jurisdiction over Parallel Networks.

### **FACTUAL BACKGROUND**

5. In its Complaint, Parallel Networks asserts that Ralph Lauren has infringed U.S. Patent No. 6,446,111 (the “‘111 patent”).

6. The ‘111 patent is invalid, unpatentable, unenforceable, and/or has not been and is not infringed by Ralph Lauren, directly or indirectly.

7. Consequently, there is an actual case or controversy between the parties over the non-infringement, invalidity, unpatentability, and/or unenforceability of the ‘111 patent.

### **COUNT ONE**

#### **Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,446,111**

8. Ralph Lauren restates and incorporates by reference its allegations in paragraphs 1 through 7 of its Counterclaims.

9. An actual case or controversy exists between Ralph Lauren and Parallel Networks whether the ‘111 patent is not infringed by Ralph Lauren.

10. A judicial declaration is necessary and appropriate so that Ralph Lauren may ascertain its rights regarding the ‘111 patent.

11. Ralph Lauren has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the ‘111 patent.

**COUNT TWO**

**Declaratory Judgment of Invalidity of U.S. Patent No. 6,446, 111**

12. Ralph Lauren restates and incorporates by reference its allegations in paragraphs 1 through 7 of its Counterclaims.

13. An actual case or controversy exists between Ralph Lauren and Parallel Networks as to whether the claims of the '111 patent are invalid and/or unpatentable.

14. A judicial declaration is necessary and appropriate so that Ralph Lauren may ascertain its rights as to whether the claims of the '111 patent are invalid and/or unpatentable.

15. The claims of the '111 patent are invalid and unpatentable for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 101, 102, 103, 112, 132, and 251.

**PRAYER FOR RELIEF**

WHEREFORE, Ralph Lauren prays for judgment as follows:

- i. A judgment dismissing with prejudice Parallel Networks' complaint against the Ralph Lauren Entities;
- ii. A judgment in favor of Ralph Lauren on all of its Counterclaims;
- iii. A declaration that Ralph Lauren has not infringed, contributed to the infringement of, or induced others to infringe, either directly or indirectly, any valid claims of the '111 patent;
- iv. A declaration that the claims of the '111 patent are invalid and unpatentable;
- v. An injunction against Parallel Networks and its affiliates, subsidiaries, assigns, employees, agents, or anyone acting in privity or concert with Parallel Networks from charging infringement or instituting any legal action for infringement of the '111 patent against the Ralph Lauren Entities or anyone acting in privity with the Ralph Lauren Entities;

vi. A judgment limiting or barring Parallel Networks' ability to enforce the '111 patent in equity;

vii. Such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

In accordance with Rule 38 of the Federal Rules of Civil Procedure and Local Rule CV-38, the Ralph Lauren Entities respectfully demand a jury trial of all issues triable to a jury in this action.

Dated: November 29, 2010

Respectfully submitted,

By: /s/ C. Erik Hawes

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ATTORNEYS FOR DEFENDANT PRL  
USA HOLDINGS, INC., AND  
DEFENDANT/COUNTERCLAIM  
PLAINTIFF RALPH LAUREN MEDIA LLC

**CERTIFICATE OF SERVICE**

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

Dated: November 29, 2010

By: /s/ C. Erik Hawes  
C. Erik Hawes