

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

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

Case No. 6:10-cv-00491-LED

JURY TRIAL DEMANDED

ADIDAS AMERICA, INC.; ADIDAS INTERACTIVE, INC.; AEROPOSTALE, INC.; AMERICAN GIRL, LLC; AMERICAN SUZUKI MOTOR CORPORATION; ANDERSEN CORPORATION; ANDERSEN WINDOWS, INC.; ASICS AMERICA CORPORATION; AT&T INC.; BBY SOLUTIONS, INC.; BERGDORFGOODMAN.COM, LLC; BESTBUY.COM, LLC; BLOOMINGDALE’S, INC.; BRIGGS & STRATTON CORPORATION; BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC; BRUNSWICK BILLIARDS, INC.; BRUNSWICK CORPORATION; CHICO’S RETAIL SERVICES, INC.; CITIZEN WATCH COMPANY OF AMERICA, INC.; DILLARD’S, INC.; EASTMAN KODAK COMPANY; GENERAL MOTORS LLC; THE GILLETTE COMPANY; THE GOODYEAR TIRE & RUBBER COMPANY; H-D MICHIGAN, INC.; HARLEY-DAVIDSON, INC.; HASBRO, INC.; HAYNEEDLE, INC.; HERMAN MILLER, INC.; HSN INTERACTIVE LLC; HSN LP; THE J. JILL GROUP, INC.; JILL ACQUISITION LLC; JONES INVESTMENT COMPANY, INC.; JONES RETAIL CORPORATION; KODAK IMAGING NETWORK, INC.; KOHL’S DEPARTMENT STORES, INC.; 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.

**DEFENDANT VICTORIA'S SECRET DIRECT BRAND MANAGEMENT, LLC'S
ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS TO
PARALLEL NETWORKS, LLC'S ORIGINAL COMPLAINT**

Defendant Victoria's Secret Direct Brand Management, LLC ("VSDBM"), by its undersigned counsel, hereby files its Answer, Affirmative Defenses, and Counterclaims to the Complaint of Parallel Networks, LLC ("Parallel Networks"), denying all allegations of the Complaint, unless specifically admitted, and respectfully states:

ANSWER

PARTIES

1. In response to Paragraph 1 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

2. In response to Paragraph 2 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

3. In response to Paragraph 3 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

4. In response to Paragraph 4 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

5. In response to Paragraph 5 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

6. In response to Paragraph 6 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

7. In response to Paragraph 7 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

8. In response to Paragraph 8 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

9. In response to Paragraph 9 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

10. In response to Paragraph 10 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

11. In response to Paragraph 11 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

12. In response to Paragraph 12 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

13. In response to Paragraph 13 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

14. In response to Paragraph 14 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

15. In response to Paragraph 15 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

16. In response to Paragraph 16 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

17. In response to Paragraph 17 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

18. In response to Paragraph 18 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

19. In response to Paragraph 19 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

20. In response to Paragraph 20 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

21. In response to Paragraph 21 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

22. In response to Paragraph 22 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

23. In response to Paragraph 23 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

24. In response to Paragraph 24 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

25. In response to Paragraph 25 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

26. In response to Paragraph 26 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

27. In response to Paragraph 27 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

28. In response to Paragraph 28 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

29. In response to Paragraph 29 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

30. In response to Paragraph 30 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

31. In response to Paragraph 31 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

32. In response to Paragraph 32 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

33. In response to Paragraph 33 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

34. In response to Paragraph 34 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

35. In response to Paragraph 35 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

36. In response to Paragraph 36 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

37. In response to Paragraph 37 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

38. In response to Paragraph 38 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

39. In response to Paragraph 39 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

40. In response to Paragraph 40 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

41. In response to Paragraph 41 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

42. In response to Paragraph 42 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

43. In response to Paragraph 43 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

44. In response to Paragraph 44 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

45. In response to Paragraph 45 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

46. In response to Paragraph 46 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

47. In response to Paragraph 47 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

48. In response to Paragraph 48 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

49. In response to Paragraph 49 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

50. In response to Paragraph 50 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

51. In response to Paragraph 51 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

52. In response to Paragraph 52 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

53. In response to Paragraph 53 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

54. In response to Paragraph 54 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

55. In response to Paragraph 55 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

56. In response to Paragraph 56 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

57. In response to Paragraph 57 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

58. In response to Paragraph 58 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

59. In response to Paragraph 59 of the Complaint, VSDBM, as the entity substituted for the non-existent original defendant “Victoria’s Secret,” admits that it is a corporation with a place of business in Columbus, Ohio.

60. In response to Paragraph 60 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

61. In response to Paragraph 61 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

JURISDICTION AND VENUE

62. In response to Paragraph 62 of the Complaint, VSDBM admits that Parallel Networks purports to bring this action under Title 35 of the United States Code. VSDBM admits that this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), however, VSDBM expressly denies any liability thereunder. To the extent the allegations are directed to VSDBM, VSDBM admits that it is subject to specific and general personal jurisdiction in this Court. To the extent the allegations are directed to defendants other than VSDBM, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same. VSDBM denies the remaining allegations of Paragraph 62, including the allegation that VSDBM has engaged in making, using, or induced or contributed to the using of the accused systems identified in the Complaint.

63. In response to Paragraph 63, for purposes of this lawsuit only, VSDBM does not contest that venue is proper in this Court under 28 U.S.C. §§ 1391(b), 1391(c)

and 1400(b), although VSDBM maintains that there are more convenient fora in which to proceed with this action. To the extent the allegations are directed to VSDBM, VSDBM admits that it is subject to personal jurisdiction in this Court. To the extent the allegations are directed to defendants other than VSDBM, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same. VSDBM denies the remaining allegations of Paragraph 63, including the allegation that VSDBM has committed at least a portion of the infringement at issue in this case and that VSDBM has engaged in, contributed to, and induced the infringing acts identified in the Complaint.

COUNT I

ALLEGED INFRINGEMENT OF U.S. PATENT NO. 6,446,111

64. In response to Paragraph 64 of the Complaint, VSDBM admits that the face of United States Patent No. 6,446,111 (the “111 patent”) indicates that it is titled “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.

65. In response to Paragraph 65 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

66. VSDBM denies the allegations of Paragraph 66 of the Complaint.

67. In response to Paragraph 67 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

68. In response to Paragraph 68 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

69. In response to Paragraph 69 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

70. In response to Paragraph 70 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

71. In response to Paragraph 71 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

72. In response to Paragraph 72 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

73. In response to Paragraph 73 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

74. In response to Paragraph 74 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

75. In response to Paragraph 75 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

76. In response to Paragraph 76 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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78. In response to Paragraph 78 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

79. In response to Paragraph 79 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

80. In response to Paragraph 80 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

81. In response to Paragraph 81 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

82. In response to Paragraph 82 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

83. In response to Paragraph 83 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

84. In response to Paragraph 84 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

85. In response to Paragraph 85 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

86. In response to Paragraph 86 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

87. In response to Paragraph 87 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

88. In response to Paragraph 88 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

89. In response to Paragraph 89 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

90. In response to Paragraph 90 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

91. In response to Paragraph 91 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

92. In response to Paragraph 92 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

93. In response to Paragraph 93 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

94. In response to Paragraph 94 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

95. In response to Paragraph 95 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

96. In response to Paragraph 96 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

97. In response to Paragraph 97 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

98. In response to Paragraph 98 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

99. In response to Paragraph 99 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

100. In response to Paragraph 100 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

101. In response to Paragraph 101 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

102. In response to Paragraph 102 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

103. In response to Paragraph 103 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

104. In response to Paragraph 104 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

105. In response to Paragraph 105 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

106. In response to Paragraph 106 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

107. In response to Paragraph 107 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

108. In response to Paragraph 108 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

109. In response to Paragraph 109 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

110. In response to Paragraph 110 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

111. In response to Paragraph 111 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

112. In response to Paragraph 112 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

113. In response to Paragraph 113 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

114. In response to Paragraph 114 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

115. In response to Paragraph 115 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

116. In response to Paragraph 116 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

117. In response to Paragraph 117 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

118. In response to Paragraph 118 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

119. In response to Paragraph 119 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

120. In response to Paragraph 120 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

121. In response to Paragraph 121 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

122. In response to Paragraph 122 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

123. In response to Paragraph 123 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

124. In response to Paragraph 124 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

125. In response to Paragraph 125 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

126. In response to Paragraph 126 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

127. In response to Paragraph 127 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

128. In response to Paragraph 128 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

129. In response to Paragraph 129 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

130. In response to Paragraph 130 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

131. In response to Paragraph 131 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

132. In response to Paragraph 132 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

133. In response to Paragraph 133 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

134. In response to Paragraph 134 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

135. In response to Paragraph 135 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

136. In response to Paragraph 136 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

137. In response to Paragraph 137 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

138. In response to Paragraph 138 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

139. In response to Paragraph 139 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

140. In response to Paragraph 140 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

141. In response to Paragraph 141 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

142. In response to Paragraph 142 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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148. In response to Paragraph 148 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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154. In response to Paragraph 154 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

155. In response to Paragraph 155 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

156. In response to Paragraph 156 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

157. In response to Paragraph 157 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

158. In response to Paragraph 158 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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160. In response to Paragraph 160 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

161. In response to Paragraph 161 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

162. In response to Paragraph 162 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

163. In response to Paragraph 163 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

164. In response to Paragraph 164 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

165. In response to Paragraph 165 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

166. In response to Paragraph 166 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

167. In response to Paragraph 167 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

168. In response to Paragraph 168 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

169. In response to Paragraph 169 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

170. In response to Paragraph 170 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

171. In response to Paragraph 171 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

172. In response to Paragraph 172 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

173. In response to Paragraph 173 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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183. In response to Paragraph 183 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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262. In response to Paragraph 262 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

263. In response to Paragraph 263 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

264. In response to Paragraph 264 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

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278. In response to Paragraph 278 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

279. In response to Paragraph 279 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

280. In response to Paragraph 280 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

281. In response to Paragraph 281 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

282. In response to Paragraph 282 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

283. In response to Paragraph 283 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

284. In response to Paragraph 284 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

285. In response to Paragraph 285 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

286. In response to Paragraph 286 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

287. In response to Paragraph 287 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

288. In response to Paragraph 288 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

289. In response to Paragraph 289 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

290. In response to Paragraph 290 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

291. Insofar as the claims in Paragraph 291 of the Complaint relate to contributory or induced infringement, VSDBM is not required to respond to the allegations in Paragraph 291 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of contributory and induced infringement. VSDBM denies the remaining allegations in Paragraph 291 of the Complaint.

292. Insofar as the claims in Paragraph 292 of the Complaint relate to indirect infringement, VSDBM is not required to respond to the allegations in Paragraph 292 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of indirect infringement. VSDBM denies the remaining allegations in Paragraph 292 of the Complaint.

293. VSDBM is not required to respond to the allegations in Paragraph 293 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of contributory and induced infringement.

294. Insofar as the claims in Paragraph 291 of the complaint relate to contributory or induced infringement, VSDBM is not required to respond to the allegations in Paragraph 294 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of contributory and induced infringement. VSDBM denies the remaining allegations in Paragraph 294 of the Complaint.

295. In response to Paragraph 295 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

296. In response to Paragraph 296 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

297. In response to Paragraph 297 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

298. In response to Paragraph 298 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

299. In response to Paragraph 299 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

300. In response to Paragraph 300 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

301. In response to Paragraph 301 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

302. In response to Paragraph 302 of the Complaint, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

303. VSDBM denies that it has engaged in any "infringing conduct" or that Parallel is entitled to any damages. Insofar as paragraph 303 of the Complaint relates to contributory or induced infringement, VSDBM is not required to respond to the allegations in Paragraph 303 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of contributory and induced infringement. To the extent the allegations are directed to defendants other than VSDBM, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

304. Insofar as the claims in Paragraph 304 of the Complaint relate to contributory or induced infringement, VSDBM is not required to respond to the allegations in Paragraph 304 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of contributory and induced infringement. VSDBM denies the remaining allegations in Paragraph 304 of the Complaint.

COUNT II

ALLEGED WILLFUL INFRINGEMENT

305. To the extent the allegations are directed to VSDBM, VSDBM is not required to respond to the allegations in paragraph 305 of the Complaint because it has filed concurrently herewith a Motion to Dismiss Parallel's claims of willful infringement. To the extent the allegations are directed to defendants other than VSDBM, VSDBM states that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies same.

PRAYER FOR RELIEF

VSDBM denies that Parallel Networks is entitled to any relief, including the relief requested in his prayer for relief, from VSDBM. No response is required to the extent that the Prayer for Relief is related to a party other than VSDBM.

JURY DEMAND

VSDBM admits that Parallel Networks has requested a trial by jury of any issue so triable by right under Rule 38 of the Federal Rules of Civil Procedure.

AFFIRMATIVE DEFENSES

VSDBM asserts the following affirmative defenses against Parallel Networks' claims in the Complaint, undertaking to prove only those defenses on which it bears the burden of proof under applicable law:

FIRST AFFIRMATIVE DEFENSE

VSDBM has not engaged in any acts that would constitute direct infringement of, contributory infringement of, or inducement to infringe any valid claim of the '111 patent, either literally or under the doctrine of equivalents.

SECOND AFFIRMATIVE DEFENSE

The '111 patent is invalid for failure to comply with one or more of the statutory requirements of patentability specified by 35 U.S.C. § 101 *et seq.*, including but not limited to, 35 U.S.C. §§ 101, 102, 103, and 112.

THIRD AFFIRMATIVE DEFENSE

The actions taken and representations made before the United States Patent and Trademark Office in procuring the '111 patent preclude Parallel Networks from asserting or construing the claims of the patent in a way that would cover or read upon any product or service made, used, sold, or offered for sale by VSDBM, or made, used, sold or offered for sale by another entity whose conduct forms the basis of an allegation that VSDBM contributed to or induced infringement.

FOURTH AFFIRMATIVE DEFENSE

Parallel Networks' claims for relief are barred from recovery in this Court in whole or in part by the equitable doctrines of laches, estoppel, waiver, and acquiescence.

FIFTH AFFIRMATIVE DEFENSE

Parallel Networks is not entitled to a finding of willful infringement because VSDBM's activities have not been objectively reckless, and VSDBM has an objectively reasonable basis for believing that the accused activities do not infringe the '111 patents and/or that the '111 patents are invalid and/or unenforceable.

SIXTH AFFIRMATIVE DEFENSE

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

SEVENTH AFFIRMATIVE DEFENSE

Parallel Networks is not entitled to a preliminary or permanent injunction because: (1) Parallel Networks is not likely to prevail on the merits; (2) Parallel Networks has not suffered nor will it suffer irreparable harm because of VSDBM's conduct; (3) any harm to Parallel Networks would be outweighed by the harm to VSDBM if an injunction were entered; (4) Parallel Networks has an adequate remedy at law even if it were to prevail in this action; (5) the public interest would not be served by an injunction; and (6) Parallel Networks is estopped from seeking an injunction.

EIGHTH AFFIRMATIVE DEFENSE

Upon information and belief, Parallel Networks has failed to comply with the patent marking and notice requirements of 35 U.S.C. § 287 with respect to the '111 patent, which limits Parallel Networks' recovery of damages, if any, for alleged infringement of the '111 patent.

COUNTERCLAIMS

VSDBM, through its attorneys, issue the following counterclaims against Parallel Networks, and alleges upon information and belief as to acts of others as follows:

PARTIES

1. Victoria's Secret Direct Brand Management, LLC is a company incorporated under the laws of Delaware, with its principal place of business at Three Limited Parkway, Columbus, OH 43216.

2. The Complaint alleges that Parallel Networks LLC is a Texas Limited Liability Company with its place of business at 100 E. Ferguson Street, Suite 602 in Tyler, Texas.

JURISDICTION

3. This is an action arising under the Patent Laws of the United States, Title 35 of the United States Code, and the Declaratory Judgment Act, Title 28 of the United States, for a Declaratory Judgment of non-infringement and invalidity of the '111 patent.

4. In its Complaint, Parallel Networks avers that it is the assignee of all right, title and interest in the '111 patent. Parallel Networks has charged VSDBM with infringement of the '111 patent. VSDBM has denied the charges of infringement and has alleged that, *inter alia*, the '111 patent is invalid. As a consequence of the foregoing, there is an actual and justiciable controversy existing between VSDBM and Parallel Networks with respect to which VSDBM requires declaration by this Court.

5. This Court has subject matter jurisdiction over the action based on 28 U.S.C. §§ 1331, 1337, 1338 and 1367, and 28 U.S.C. §§ 2201 and 2202.

6. This Court has personal jurisdiction over Parallel Networks in that, *inter alia*, Parallel Networks voluntarily filed the Complaint to which these Counterclaims are directed in this Court.

7. To the extent that this action remains in this District, venue is appropriate for VSDBM counterclaims because Parallel Networks has consented to the propriety of venue in this Court by filing its claims for patent infringement in this Court.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement)

8. VSDBM incorporates the averments of Paragraphs 1–7 of these counterclaims as though fully set forth herein.

9. VSDBM does not infringe, and has not infringed, actively induced infringement of, nor contributed to the infringement of, any valid claim of the ‘111 patent, either literally or by application of the doctrine of equivalents.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity)

10. VSDBM incorporates the averments of paragraphs 1–9 of these counterclaims as though fully set forth herein.

11. The ‘111 patent is invalid for failure to comply with the conditions and requirements of the patent laws including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules and regulations and laws pertaining thereto.

JURY DEMAND

VSDBM demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, VSDBM prays for judgment against Parallel Networks as follows:

A. That the Court dismiss all claims against VSDBM with prejudice and that Parallel Networks take nothing by way of the Compliant;

B. That the Court issue a declaratory judgment that VSDBM does not infringe and has not infringed, either directly or indirectly, literally or under the doctrine of equivalents, any claim of the '111 patent;

C. That the Court issue a declaratory judgment that the '111 patent is invalid;

D. That the Court enjoin Parallel Networks from asserting that VSDBM or any of VSDBM's customers, distributors, agents, employees or anyone else in privity with VSDBM has infringed the '111 patent;

E. That the Court find that this case is exceptional, and require Parallel Networks to pay VSDBM attorneys' fees and costs pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

F. That the Court award VSDBM such other relief as the Court may deem appropriate and just under the circumstances

DATED: December 1, 2010

Respectfully submitted,

/s/ Charles Ainsworth

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on December 1, 2010.

/s/ Charles Ainsworth _____