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Attorneys for Defendant
LN INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE TONYTAIL COMPANY, INC., a Delaware corporation, Plaintiff, v. CONAIR, a Delaware corporation; SCUNCI INTL., LTD., a Delaware corporation; RITE AID, a Delaware corporation; L & N SALES & MARKETING, INC., a Pennsylvania corporation; and DOES 1-10, inclusive, Defendants.	Case No. 07-5895 **ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES OF LN INTERNATIONAL, INC. (fka L&N SALES AND MARKETING, INC.)**

ANSWER

Defendant, LN International Inc., formerly known as L & N Sales Marketing Inc. ("LN") answers Plaintiff's Complaint as follows:

JURISDICTION AND VENUE

1. Admitted.

2. Admitted.

3. Denied. LN is a Pennsylvania corporation with no place of business in California and does not engage in commercial transactions in California. LN is without knowledge concerning the other defendants.

4. Admitted.

5. Admitted.

PARTIES

6. Admitted on information and belief.

7. Admitted on information and belief.

8. Admitted.

9. It is admitted that LN (misnamed by plaintiff as L & N Sales and Marketing Inc.) is a Pennsylvania corporation that formerly maintained a principal place of business at the address alleged by plaintiff. LN left that address prior to 2006.

10. Admitted in part and denied in part. It is admitted that Scunci International, Ltd. ("Scunci") was incorporated in Delaware in 1994. The other allegations in this paragraph are denied.

11. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

FACTS COMMON TO ALL CAUSES OF ACTION

12. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

13. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

14. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

15. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

16. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

17. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

18. Denied.

19. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

20. Admitted in part and denied in part. It is admitted that on or about March 31, 2003 LN entered into a Settlement Agreement and Release with the Plaintiff, which recited Plaintiff's claims to the referenced patents. Plaintiff's characterization of such agreement is denied as the agreement speaks for itself.

21. Denied.

22. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

23. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

24. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

25. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

26. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

FIRST CAUSE OF ACTION

LN hereby incorporates the forgoing answers as though full set forth herein.

27. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

28. The allegations set forth in this paragraph are conclusions of law to which no response is required. To the extent the allegations set forth in this paragraph are deemed to be factual in nature, they are denied.

29. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

30. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to other Defendants.

31. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

32. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

33. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

34. Denied.

35. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

36. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

37. Denied.

38. Denied.

SECOND CAUSE OF ACTION

39. LN hereby incorporates the foregoing answers as though set forth fully herein.

40. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

41. The allegations set forth in this paragraph are conclusions of law to which no response is required. To the extent the allegations set forth in this paragraph are deemed to be factual in nature, they are denied.

42. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

43. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

44. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

45. Denied.

46. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

47. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

48. Denied.

49. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

THIRD CAUSE OF ACTION

50. LN incorporates the forgoing answers as though set forth fully herein.

51. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

52. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

53. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

54. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

55. The allegations set forth in this paragraph are conclusions of law to which no response is required. To the extent the allegations set forth in this paragraph are deemed to be factual in nature, they are denied.

56. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

57. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

58. Denied.

59. Denied.

60. Denied.

61. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

62. Denied.

63. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

FOURTH CAUSE OF ACTION

64. LN herby incorporates the forgoing answers as though set forth fully herein.

65. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

66. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

67. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

68. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

69. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

FIFTH CAUSE OF ACTION

70. LN hereby incorporates the foregoing answers as though set forth fully herein.

71. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

72. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

73. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

74. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

75. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

76. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

77. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

78. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

79. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

80. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

81. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

82. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

83. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

PERMANENT INJUNCTION

84. LN hereby incorporates the following answers as though set forth fully herein.

85. It is admitted that Plaintiff is seeking the requested relief. It is denied that Plaintiff is entitled thereto as against LN.

86. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

87. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

88. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

89. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

90. Denied as to LN in that LN is out of business. LN is without knowledge or information sufficient to form a belief as to the truth of the other allegations set forth in this paragraph.

91. Denied.

SIXTH CAUSE OF ACTION

92. LN hereby incorporates the foregoing answers as though set forth fully herein.

93. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

94. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the other allegations set forth in this paragraph as to the balance of allegations in this paragraph.

95. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

96. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the other allegations set forth in this paragraph as to the balance of allegations in this paragraph.

97. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

98. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

SEVENTH CAUSE OF ACTION

99. LN hereby incorporates the foregoing answers as though set forth fully herein.

100. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

101. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

102. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

103. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

EIGHTH CAUSE OF ACTION

104. LN hereby incorporates the foregoing answers as though set forth fully herein.

105. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

106. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

107. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

108. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

109. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

NINTH CAUSE OF ACTION

110. LN hereby incorporates the foregoing answers as though set forth fully herein.

111. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

112. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

113. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

114. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

115. Denied as to LN. LN is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph as to the other Defendants.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to plead with particularity as required by the Federal Rules of Civil Procedure.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of waiver, estoppel and/or laches.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statues of limitation.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by settlement, release and/or accord and satisfaction.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because they are the subject of a prior pending action initiated by Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

LN expressly incorporates and asserts any other affirmative defenses asserted by any of the other Defendants to the extent they imply to LN.

WHEREFORE, Defendant LN International Inc., formerly known as L & N Sales and Marketing Inc., demands judgment in its favor and against Plaintiff on all causes of action asserted by Plaintiff.

Dated: April 22, 2008

DUANE MORRIS LLP

By: /s/ Aron M. Oliner (152373)
ARON M. OLINER
Attorneys for Defendant
LN INTERNATIONAL, INC.