J. MICHAEL KALER, SBN 158296
KALER LAW OFFICES
9930 Mesa Rim Road, Suite 200
San Diego, California 92121
Telephone (858) 362-3151
michael@kalerlaw.com

MELODY A. KRAMER, SBN 169984
KRAMER LAW OFFICE, INC.
9930 Mesa Rim Road, Suite 1600
San Diego, California 92121
Telephone (858) 362-3150
mak@kramerlawip.com

Attorneys for Plaintiff/Counterdefendant
JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff, v. ENERGIZER HOLDINGS INC, a Missouri corporation; EVEREADY BATTERY COMPANY, INC.; and DOES 1 – 100, Defendants. and related counterclaims.	Case No. 07 cv 2321 BTM CAB **COUNTER DEFENDANT'S REPLY TO COUNTERCLAIMS**

Plaintiff/Counter Defendant JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN RESEARCH AND DEVELOPMENT TRUST ("SRDT"), for its Reply to Defendants/Counterclaimants Energizer Holdings Inc. ("Energizer") and Eveready Battery Company, Inc.'s ("Eveready") COUNTERCLAIMS, replies as follows:

COUNTERCLAIMS

30. On information and belief, admit.

31. On information and belief, admit.

32. Admit.

33. Admit.

34. Admit.

35. As to the first sentence, admit that Counterclaimants are purporting to seek declaratory relief under 28 U.S.C. §§ 2201 and 2202, but deny entitled thereto and remainder of sentence. As to the remainder, admit.

36. Sorensen incorporates by reference each and every allegations contained in paragraphs 1-29 of its Complaint (Docket #1 in this case) as though fully set forth herein, and also incorporates by reference Counterclaimants admitting all or part of the allegations in paragraphs 1-29 contained in their Answer (Docket #18). Sorensen furthermore incorporates by reference each and every response contained in paragraphs 30-35 above and incorporates them by reference.

37. Deny.

38. Sorensen incorporates by reference each and every allegations contained in paragraphs 1-29 of its Complaint (Docket #1 in this case) as though fully set forth herein, and also incorporates by reference Counterclaimants admitting all or part of the allegations in paragraphs 1-29 contained in their Answer (Docket #18). Sorensen furthermore incorporates by reference each and every response contained in paragraphs 36 and 37, above, and incorporates them by reference.

39. Deny.

WHEREFORE, SRDT prays that judgment on Energizer and Eveready's Counterclaims be entered as follows:

a. For judgment in favor of SRDT and against Energizer and Eveready on all requested relief;

b. That this case is decreed an "exceptional case" and SRDT is awarded reasonable attorneys' fees by the Court pursuant to 35 U.S.C. § 285;

c. For costs of suit herein incurred;

d. For such other and further relief as the Court may deem just and proper.

DATED this 19th day of February, 2008.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff and Counter Defendant

/s/ Melody A. Kramer

Melody A. Kramer, Esq.
J. Michael Kaler, Esq.
Attorneys for Plaintiff and Counter Defendant

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On February 29, 2008, I served the following documents:

COUNTERDEFENDANT'S REPLY TO COUNTERCLAIMS

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jill Zimmerman Davis Polk & Wardwell 1600 El Camino Real Menlo Park, CA 94025 jill.zimmerman@dpw.com	Energizer Holdings Inc. Eveready Battery Company, Inc.	Email--Pleadings Filed with the Court via CM/ECF
Anthony I. Fenwick Davis Polk & Wardwell 1600 El Camino Real Menlo Park, CA 94025 anthony.fenwick@dpw.com	Energizer Holdings Inc. Eveready Battery Company, Inc.	Email--Pleadings Filed with the Court via CM/ECF
David Lisson Davis Polk & Wardwell 1600 El Camino Real Menlo Park, CA 94025 david.lisson@dpw.com	Energizer Holdings Inc. Eveready Battery Company, Inc.	Email--Pleadings Filed with the Court via CM/ECF
Veronica C. Abreu Davis Polk & Wardwell 1600 El Camino Real Menlo Park, CA 94025 veronica.abreu@dpw.com	Energizer Holdings Inc. Eveready Battery Company, Inc.	Email--Pleadings Filed with the Court via CM/ECF

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Tuesday, February 19, 2008, in San Diego, California.

DATED this Tuesday, February 19, 2008.

/s/ Melody A. Kramer