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[Additional counsel listed on signature page]

*Attorneys for Defendants  
Space Systems/Loral, LLC and  
Loral Space & Communications Inc.*

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

VIASAT, INC., VIASAT  
COMMUNICATIONS, INC., f/k/a  
WILDBLUE COMMUNICATIONS, INC.,

Plaintiffs,

vs.

SPACE SYSTEMS/LORAL, INC., LORAL  
SPACE & COMMUNICATIONS INC.,

Defendants.

Case No. 3:12-cv-00260-H-WVG

Hon. Marilyn L. Huff

**DEFENDANT AND COUNTERCLAIM  
PLAINTIFF SPACE SYSTEMS/LORAL,  
LLC'S (f/k/a SPACE SYSTEMS/LORAL,  
INC.) ANSWER AND AFFIRMATIVE  
DEFENSES TO VIASAT'S COUNTER  
COUNTERCLAIMS**

**DEMAND FOR JURY TRIAL**

1 Space Systems/Loral, LLC (f/k/a Space Systems/Loral, Inc.) (“SS/L”) answers the  
2 allegations of ViaSat, Inc. and ViaSat Communications, Inc.’s (collectively “ViaSat”) Counter  
3 Counterclaims (Dkt. No. 115) as follows:

4 **NATURE AND BASIS OF ACTION**

5 1. Admitted that this is an action seeking certain relief. Except as expressly  
6 admitted, SS/L denies the remaining allegations of Paragraph 1.

7 **JURISDICTION AND VENUE**

8 2. Paragraph 2 states a conclusion of law for which no answer is required. To the  
9 extent an answer is required, SS/L admits that ViaSat has filed certain counter counterclaims that  
10 invoke certain statutory provisions. Except as expressly admitted, SS/L denies the remaining  
11 allegations of Paragraph 2.

12 3. Paragraph 3 states a conclusion of law for which no answer is required. To the  
13 extent an answer is required, SS/L admits that that this Court has jurisdiction over ViaSat’s  
14 counter counterclaims.

15 4. Paragraph 4 states a conclusion of law for which no answer is required. To the  
16 extent an answer is required, SS/L admits that venue is proper in this District and that this Court  
17 has jurisdiction over ViaSat’s counter counterclaims. Except as expressly admitted, SS/L denies  
18 the remaining allegations of Paragraph 4.

19 **PARTIES**

20 5. Admitted.

21 6. Admitted.

22 7. Admitted that until recently converting to a limited liability company, Space  
23 Systems/Loral, Inc. was a corporation organized and existing under the laws of the State of  
24 Delaware, having a principal place of business at 3825 Fabian Way, Palo Alto, California 94303.

25 **GENERAL ALLEGATIONS**

26 8. Admitted.

27 9. Admitted that SS/L has made infringement allegations against ViaSat. Also  
28 admitted that ViaSat via its Answer and Counter Counterclaims has denied validity and

1 infringement. Except as expressly admitted, SS/L denies the remaining allegations of Paragraph  
2 9.

3 10. Paragraph 10 states conclusions of law for which no answer is required. To the  
4 extent any answer is required, admitted that there is a justiciable controversy relating to ViaSat's  
5 counter counterclaims.

6 **COUNT I**

7 **(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,879,808)**

8 11. SS/L admits that ViaSat has realleged and incorporated by reference Paragraphs 1  
9 through 10 of its counter counterclaims. SS/L realleges and incorporates by reference its  
10 responses to said Paragraphs.

11 12. Denied.

12 13. Denied.

13 **COUNT II**

14 **(Declaratory Judgment of Invalidity of U.S. Patent No. 6,879,808)**

15 14. SS/L admits that ViaSat has realleged and incorporated by reference Paragraphs 1  
16 through 13 of its counter counterclaims. SS/L realleges and incorporates by reference its  
17 responses to said Paragraphs.

18 15. Denied.

19 16. Denied.

20 **COUNT III**

21 **(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,400,696)**

22 17. SS/L admits that ViaSat has realleged and incorporated by reference Paragraphs 1  
23 through 16 of its counter counterclaims. SS/L realleges and incorporates by reference its  
24 responses to said Paragraphs.

25 18. Denied.

26 19. Denied.

**COUNT IV**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 6,400,696)**

20. SS/L admits that ViaSat has reallaged and incorporated by reference Paragraphs 1 through 19 of its counter counterclaims. SS/L realleges and incorporates by reference its responses to said Paragraphs.

21. Denied.

22. Denied.

**COUNT V**

**(Declaratory Judgement of Non-Infringement of U.S. Patent No. 7,219,132)**

23. SS/L admits that ViaSat has reallaged and incorporated by reference Paragraphs 1 through 22 of its counter counterclaims. SS/L realleges and incorporates by reference its responses to said Paragraphs.

24. Denied.

25. Denied.

**COUNT VI**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 7,219,132)**

26. SS/L admits that ViaSat has reallaged and incorporated by reference Paragraphs 1 through 25 of its counter counterclaims. SS/L realleges and incorporates by reference its responses to said Paragraphs.

27. Denied.

28. Denied.

**COUNT VII**

**(Declaratory Judgment of Unenforceability Due to Inequitable Conduct of the '132 Patent)**

29. SS/L admits that ViaSat has reallaged and incorporated by reference Paragraphs 1 through 28 of its counter counterclaims. SS/L realleges and incorporates by reference its responses to said Paragraphs.

30. Admitted.

1           31.     Admitted that a brief was filed on September 19, 2005, making certain of the  
2 statements identified in Paragraph 31 of the counter counterclaims. Denied that Paragraph 31  
3 quotes the brief accurately. Except as expressly admitted, SS/L denies the remaining allegations  
4 of Paragraph 31.

5           32.     Admitted that the '691 Application was subject to rejections by the PTO and was  
6 amended. Further admitted that prosecution of the '691 Application lasted approximately six  
7 years. Further admitted that the inventors, SS/L, and its attorneys did not submit an Information  
8 Disclosure Statement during the prosecution of the '691 Application. Except as expressly  
9 admitted, SS/L denies the remaining allegations of Paragraph 32.

10          33.     Admitted that certain remarks were made in a communication to the USPTO on  
11 November 14, 2006. Denied that Paragraph 33 of the counter counterclaims accurately quotes  
12 those remarks. Except as expressly admitted, SS/L denies the remaining allegations of Paragraph  
13 33.

14          34.     Admitted that the USPTO on February 13, 2007, issued a Notice of Allowability  
15 which included the quoted statement as "an Examiner's Statement of Reasons for Allowance."

16          35.     Admitted that Sastri Kota authored or co-authored the papers named in this  
17 paragraph on or about the dates identified in this paragraph. Except as expressly admitted, SS/L  
18 denies the remaining allegations of Paragraph 35.

19          36.     Denied.

20                   **REQUEST FOR RELIEF**

21          Admitted that ViaSat requests the relief set forth in its Request for Relief, but denied that  
22 ViaSat is entitled to any such relief. Except as expressly admitted, SS/L denies the remaining  
23 allegations in ViaSat's Request for Relief.

**DEMAND FOR JURY TRIAL**

In accordance with Federal Rule of Civil Procedure 38(b), Defendant SS/L demands a trial by jury on all issues triable by jury.

Dated: February 1, 2013

By: /s/ Amanda K. Bonn

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*Attorneys for Defendants Space  
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Systems/Loral, Inc.) and Loral Space &  
Communications Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 1, 2013, I caused the foregoing **DEFENDANT AND COUNTERCLAIM PLAINTIFF SPACE SYSTEMS/LORAL, LLC'S (f/k/a SPACE SYSTEMS/LORAL, INC.) ANSWER AND AFFIRMATIVE DEFENSES TO VIASAT'S COUNTER COUNTERCLAIMS** to be served on Plaintiffs' counsel via the Court's CM/ECF system.

By: /s/ Amanda Bonn  
Amanda Bonn