IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02640-REB

WYERS PRODUCTS GROUP, INC. a Colorado corporation, and
PHILIP W. WYERS,

Plaintiffs,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

WYERS PRODUCTS GROUP AND PHILIP W. WYERS' REPLY TO CEQUENT PERFORMANCE PRODUCTS, INC'S COUNTERCLAIM

Plaintiffs Philip W. Wyers and Wyers Products Group, Inc. ("Wyers"), through counsel, Lathrop & Gage LLP, hereby submit the following Reply to Cequent Performance Products, Inc's ("Cequent") Counterclaim:

1. Paragraph 1 does not state a claim upon which relief may be granted, it incorporates Cequent's defenses from the remainder of its Answer into its Counterclaim, and therefore Wyers denies the same.

2. Wyers admits Paragraph 2, Wyers' Complaint alleges Cequent of infringement of the '121 Patent and the '115 patent.

COUNT ONE

Declaratory Relief
Non-Infringement of the '115 and '121 Patents

3. Paragraph 3 does not state a claim upon which relief may be granted, it incorporates the preceding paragraphs from its Counterclaim, and therefore Wyers denies the same.

4. Wyers denies Paragraph 4.

5. Paragraph 5 does not state a claim upon which relief may be granted, this is a prayer for relief, to the extent necessary Wyers denies Paragraph 5.

6. Paragraph 6 does not state a claim upon which relief may be granted, this is a prayer for relief, to the extent necessary Wyers denies Paragraph 6.

COUNT TWO

Declaratory Relief
Invalidity of the '115 and '121 Patents

7. Paragraph 7 does not state a claim upon which relief may be granted, it incorporates the preceding paragraphs from its Counterclaim, and therefore Wyers denies the same.

8. Wyers denies Paragraph 8 and asserts that Claims 1-14, 16-18, 20, 22, 23 and 25-27 of the '115 Patent are valid and enforceable.

9. Wyers denies Paragraph 9 and asserts that the '121 Patent is valid and enforceable.

10. Paragraph 10 does not state a claim upon which relief may be granted, this is a prayer for relief, to the extent necessary Wyers denies Paragraph 10.

11. Wyers denies Paragraph 11 and asserts that Claims 1-14, 16-18, 20, 22, 23 and 25-27 of the '115 and the claims of the '121 Patents are valid and enforceable.

12. Wyers denies the Prayer for Relief and its two subparagraphs, A and B.

Affirmative Defenses

13. Cequent's counterclaims fail to state a claim upon which relief may be granted.

14. Wyers patents are presumed valid and enforceable.

15. Cequent's claims of invalidity fail as due to the presence of objective indicia of non-obviousness.

16. Cequent's claims of invalidity are barred by the absence of a prima facie case of obviousness or anticipation.

17. Cequent's claims are barred by the doctrine of laches.

18. Cequent's claims of invalidity relative to the '686 patent are barred as Wyers is the original inventor of the unattended coupler lock.

19. Cequent's claims are barred as groundless, frivolous and vexatious attempts to maintain and objectively baseless lawsuit, in bad faith, for the purposes of obscuring justice and to obtain an unfair commercial advantage when it knew or should have known that the claims had no viable basis.

Wyers prays for judgment against Cequent as follows:

A. A Declaration that Claims 23 and 27 of the '115 patent are valid and enforceable,

B. A Declaration that Claim 5 of the '121 patent is valid and enforceable,

C. A Declaration that Cequent's products infringe said claims of the '115 patent,

D. A Declaration that Cequent's products infringe said claims of the '121 patent,

E. A Declaration that Cequent's claims qualify under the exceptional case standard, and

F. Any other such relief as the court may allow including an award of attorney fees, costs and expenses associated with the defense of the claims.

Respectfully submitted, this 13th day of December, 2013.

LATHROP & GAGE LLP

s/ *Aaron P. Bradford*

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Attorneys for Plaintiffs Wyers Products Group and Philip W. Wyers

CERTIFICATE OF SERVICE

I hereby certify on this 13th day of December, 2013, a true and correct Copy of the foregoing **WYERS PRODUCTS GROUP AND PHILIP W. WYERS' REPLY TO CEQUENT PERFORMANCE PRODUCTS, INC'S COUNTERCLAIM** was filed via CM/ECF, which will electronically mail notice to the following:

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