

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE PAPST LICENSING GMBH & CO.
KG LITIGATION**

**This Document Relates To:
1:08-cv-00985**

**Misc. Action No. 07-493 (RMC)
MDL Docket No. 1880**

DEMAND FOR JURY TRIAL

**PAPST LICENSING'S GmbH & CO. KG'S REPLY TO
NIKON CORPORATION COUNTERCLAIMS**

Plaintiff Papst Licensing GmbH & Co. KG ("Papst") answers the counterclaims of Defendant Nikon Corporation ("Nikon") as follows:

THE PARTIES

1. Nikon Corporation is a corporation incorporated under the laws of Japan having its principal place of business at Fuji Building, 2-3 Marunouchi 3-chome, Chiyoda-ku, Tokyo 100-8331 Japan.

REPLY: Papst admits that, upon information and belief, Nikon is a corporation incorporated under the laws of Japan having its principal place of business at Fuji Building, 2-3 Marunouchi 3-chome, Chiyoda-ku, Tokyo 100-8331 Japan.

2. Upon information and belief, Papst is a company existing under the laws of The Federal Republic of Germany having its principal place of business at Bahnhofstrasse 33, 78112 St. Georgen, Germany.

REPLY: Admit.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over these Counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

REPLY: Admit.

4. This Court has personal jurisdiction over Papst by virtue of its having consented to the jurisdiction of this Court by filing its Complaint.

REPLY: Admit.

5. Venue is proper in this District under 28 U.S.C. § 1391.

REPLY: Admit.

**COUNTERCLAIM COUNT I
DECLARATORY JUDGMENT FOR INVALIDITY
AND NON-INFRINGEMENT OF U.S. PATENT NO. 6,470,399**

6. Nikon Corporation realleges and incorporates by reference paragraphs 1 through 5 of these Counterclaims.

REPLY: Papst incorporates by reference its answers to paragraphs 1 through 5 above as if fully set forth herein.

7. United States Patent No. 6,470,399 (“the ‘399 patent”) is entitled “Flexible Interface For Commission Between A Host And An Analog I/O Device Connected To The Interface Regardless The Type Of The I/O Device” and issued on October 22, 2002. Papst claims that it owns the ‘399 patent.

REPLY: Admit.

8. Papst has asserted that Nikon Corporation has infringed and is infringing the ‘399 patent.

REPLY: Admit.

9. Nikon Corporation has not directly infringed, contributorily infringed or induced infringement of and does not directly infringe, contributorily infringe or induce infringement of any claim of the '399 patent.

REPLY: Deny.

10. One or more claims of the '399 patent are invalid for failing to comply with the conditions for patentability set forth in Title 35, United States Code § 101 *et. Seq.*, including, without limitation, §§ 101, 102, 103 and/or 112.

REPLY: Deny.

11. An actual and justifiable controversy exists between the parties hereto regarding the infringement and validity of the '399 patent.

REPLY: Admit.

12. A judicial declaration is necessary and appropriate at this time. Papst's assertion of patent infringement will irreparably injure and will continue to injure Nikon Corporation. Nikon Corporation has no adequate remedy at law.

REPLY: Papst admits that a judicial determination of infringement is necessary and appropriate at this time; otherwise denied.

**COUNTERCLAIM COUNT II
DECLARATORY JUDGMENT FOR INVALIDITY
AND NON-INFRINGEMENT OF U.S. PATENT NO. 6,895,449**

13. Nikon Corporation realleges and incorporates by reference paragraphs 1 through 12 of these Counterclaims.

REPLY: Papst incorporates by reference its answers to paragraphs 1 through 12 above as if fully set forth herein.

14. United States Patent No. 6,895,449 (“the ‘449 patent”) is entitled “Flexible Interface For Communication Between A Host And An Analog I/O Device Connected To The Interface Regardless The Type Of The I/O Device” and issued on May 17, 2005. Papst claims that it owns the ‘449 patent.

REPLY: Admit.

15. Papst has asserted that Nikon Corporation has infringed and is infringing the ‘449 patent.

REPLY: Admit.

16. Nikon Corporation has not directly infringed, contributorily infringed or induced infringement of and does not directly infringe, contributorily infringe or induce infringement of any claim of the ‘449 patent.

REPLY: Deny.

17. One or more claims of the ‘449 patent are invalid for failing to comply with the conditions for patentability set forth in Title 35, United States Code § 101 *et. seq.*, including, without limitation, §§ 101, 102, 103 and/or 112.

REPLY: Deny.

18. An actual and justifiable controversy exists between the parties hereto regarding the infringement and validity of the ‘449 patent.

REPLY: Admit.

19. A judicial declaration is necessary and appropriate at this time. Papst’s assertion of patent infringement will irreparably injure and will continue to injure Nikon Corporation. Nikon Corporation has no adequate remedy at law.

REPLY: Papst admits that a judicial determination of infringement is necessary and appropriate at this time; otherwise denied.

Reply to Nikon, Inc's Requested Relief

Papst denies that Nikon is entitled to any relief in this action either as requested in its counterclaims or otherwise.

Papst's Defenses

1. The counterclaims fail to state a claim upon which relief can be granted.
2. Nikon does infringe the '399 and '449 patents directly and/or indirectly.
3. The claims of the '399 and the '449 patents are valid and enforceable.

DEMAND FOR JURY TRIAL

Papst respectfully requests a trial by jury of all issues so triable.

Dated: June 18, 2008

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PAPST LICENSING'S GmbH & CO. KG'S REPLY TO NIKON CORPORATION COUNTERCLAIMS was served on this the 18th day of June, 2008 upon the attorneys for the Camera Manufacturers through the United States District Court for the District of Columbia ECF System unless otherwise noted as follows:

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