UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THE IPE CLIP FASTENER COMPANY, LLC

Plaintiff

v. CASE NO: 8:16-cv-02862-SDM-TGW

SIMPSON STRONG-TIE COMPANY, INC.

Defendant.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Simpson Strong-Tie Company, Inc. ("Simpson") hereby files the following Answer and Affirmative Defenses to the Complaint of Plaintiff The Ipe Clip Fastener Company, LLC ("Plaintiff") in the above captioned matter. The following paragraphs correspond to the paragraphs in Plaintiff's Complaint:

1. Simpson lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Complaint and therefore denies the same.
2. Simpson lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Complaint and therefore denies the same.
3. Admitted.
4. Paragraph 4 of the Complaint contains legal conclusions to which no response is required. Simpson admits that it sells products in this judicial district and solicits business in this judicial district.

5. Paragraph 5 of the Complaint contains legal conclusions to which no response is required. Simpson admits that it is engaged in activity in Florida.

6. Paragraph 6 of the Complaint contains legal conclusions to which no response is required. Simpson admits that Plaintiff contends that venue is proper pursuant to 28 U.S.C. § 1391.

7. Paragraph 7 of the Complaint contains legal conclusions to which no response is required. Simpson admits that Plaintiff contends that this Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338.

8. Admitted.

9. Admitted that Simpson acquired Blue Heron in or about 2015. Otherwise, denied.

10. Admitted.

FIRST CAUSE OF ACTION

(Declaratory Judgment That The Relevant Ipe Clip Products Are Not Covered By Certain Licensed Patents)

11. Simpson reasserts its answers to paragraphs 1 – 10 from above as if restated here in their entirety.

12. Admitted that Plaintiff contends the Complaint purportedly states a claim under the Declaratory Judgment Act, otherwise denied.

13. Admitted that Plaintiff contends that the amount in controversy, exclusive of interest and costs, exceeds 75,000. Admitted that there is complete diversity of citizenship between Simpson and Plaintiff.

14. Admitted.

15. Admitted that the '113 Patent was issued in 2011, was assigned to Blue Heron in 2011, and was later assigned to Simpson. Otherwise, denied.

16. Admitted that the '702 Patent was issued in 2012, was assigned to Blue Heron, and was later assigned to Simpson. Otherwise, denied.

17. Admitted that Plaintiff denies that its Extreme4 and ExtremeKD fasteners are covered by the claims of the '113 Patent or '702 Patent or that royalties are owed to Simpson for the Extreme4 and ExtremeKD. Otherwise, denied.

18. Admitted.

19. Denied.

20. Denied

21. Admitted.

22. Paragraph 22 of the Complaint contains legal conclusions to which no response is required. To the extent any response is required, Simpson admits that Simpson and Plaintiffs have adverse legal interests, and denies the remaining allegations of Paragraph 22.

23. Denied.

24. Denied.

Prayer for Relief

Simpson denies that Plaintiff is entitled to any of the relief requested in the Prayer for Relief.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Defendant reserves the right to assert additional affirmative defenses which have not otherwise been asserted by Defendant in this Answer.

NOTICE OF RELATED CLAIMS

Simpson has asserted claims against Plaintiff for breach of written contract and patent infringement in a related case in this District, *Simpson Strong-Tie Company Inc. v. The Ipe Clip Fastener Company Inc.*, Case No. 8:16-cv-03295-JSM-TBM.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2016, I filed the foregoing with the Court's CM/ECF system which will send a Notice of Electronic Filing to all counsel of Record.

Michael J. Colitz, III

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